

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.

Development Plan - current status

The Core Strategy and Development Plan was adopted on the 30 January 2020, whilst the saved policies from the Unitary Development Plan were adopted on 7 September 1998. In the report on each application specific reference will be made to policies and proposals that are particularly relevant to the application site and proposal. The CSDP and UDP also include several city wide and strategic policies and objectives, which when appropriate will be identified.

STANDARD CONDITIONS

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

SITE PLANS

The site plans included in each report are illustrative only.

PUBLICITY/CONSULTATIONS

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

LOCAL GOVERNMENT ACT 1972 – ACCESS TO INFORMATION

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

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

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

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

Peter McIntyre
Executive Director City Development

Reference No.: 23/00950/FUL Full Application

Proposal: **Conversion of existing offices on third and fourth floors of building to 16 no. apartments, construction of new fifth story to existing roof to provide 8 no. apartments, and external alterations to the whole building including window alterations and rendering.**

Location: Derwent House, Washington Town Centre, Washington

Ward: Washington Central
Applicant: JT Consultancy Limited
Date Valid: 8 August 2023
Target Date: 7 November 2023

PROPOSAL:

INTRODUCTION

Planning permission is sought for the conversion of existing offices on the third and fourth floors of Derwent House in Washington to 16 no. apartments, and for the construction of a new fifth floor (sixth storey) to the existing roof to provide 8 no. apartments.

DESCRIPTION OF SITE AND SURROUNDINGS

The application site is located just off, and to the east of, the A182 Washington Highway, close to the 'Galleries shopping centre and retail park', which is positioned to the north.

Derwent house is a concrete office block that is currently vacant. It is of a traditional design for its era which has now led to it requiring modernisation. It is one of a group of buildings at this location. To the south of the application site is Pennine House, currently a Job centre, and further to the south is Weardale House, currently a block of apartments. To the north is Glendale house, a small residential development of apartments and beyond that to the north is a large carpark serving the Galleries shopping centre.

The shopping centre provides all necessary amenities within the immediate vicinity. Public transport links are provided by a bus station to the north which also provides access to the local area and nearby towns/cities.

THE PROPOSED DEVELOPMENT

The proposed development seeks planning permission to convert the upper floors of Derwent House to apartments, and to construct a new fifth floor (sixth story). This would mean that the whole building could be apartments, given that the ground, first and second floors already have permission to be converted to apartments (see planning history below). The proposed development seeks to maximise the use of an existing vacant office building with minimal structural changes, whilst improving the aesthetic to reflect the proposed change of use.

The ground floor, first floor and second floor of Derwent already have permission to be converted to apartments. This development was approved under the prior approval process under the Town and Country Planning (General Permitted Development) (England) Order 2015

(as amended) - see planning history below. The ground floor would provide access to the internal core which would service all residential apartments on all levels.

The third and fourth floors would have eight apartments each, four with two bedrooms and four with one bedroom. The central part of both floors would include lifts, corridors as well as cleaning and service rooms.

The fifth floor to be constructed within a new sixth storey would have eight apartments, four with two bedrooms and four with one bedroom. The central part would include lifts, corridors, cleaning and service rooms, and sprinkler tanks.

The sixth storey would be constructed in concrete with a render finish. Other proposed external works would include alterations to window openings and rendering the walls of the existing building.

Existing parking is provided which would be retained. A store for cycle parking would be provided to the western part of the site, and a bin store would be provided in the centre of the car park for refuse and recycling.

The application has been supported by the following documents:

- o Design and Access Statement by Planning Architecture Design Development (dated 31/02/2023) received 22/05/2024.
- o Phase 1: Desk Top Study Report by Edlington Consulting Group Limited (dated May 2023) received 05/06/2023.
- o Noise Impact Assessment by Environmental Noise Solutions Limited (dated 4th August 2021) received 17/05/2023.
- o Air Quality Assessment by Miller Goodall Acoustic and Air Quality (dated 17 May 2023) received 17/05/2023.
- o Viability Appraisal by Aspinall Verdi (dated June 2023) received 23/06/2023.
- o Viability Assessment Response by Aspinall Verdi (dated February 2024) received 12/02/2024
- o Viability Correspondence by Aspinall Verdi (dated 11 March 2024) received 11/03/2024
- o Preliminary Ecological Appraisal by Futures Ecology (dated May 2024) received 08/05/2024

PLANNING HISTORY

Planning history to note at the application site is as follows:

- o 2017 - Prior approval required and granted under the Town and Country Planning (General Permitted Development) Order 2015 (as amended) for the change of use of offices (B1a) to residential (C3) (Ref: 17/00087/PCJ).
- o 2023 - Prior approval required and granted under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the change of use of the ground, first and second floor offices to 24 apartments (Use Class C3) (Ref: 22/02607/PCG).

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Flood And Coastal Group Engineer
Network Management
Natural Heritage
Northumbria Police
Director Of Childrens Services
Planning Policy
Land Contamination
National Highways
Chief Fire Officer
Nexus
NE Ambulance Service NHS Trust
Northern Powergrid
Northumbrian Water
Northumbria Police
Northern Gas Networks
Cllr Beth Jones
Cllr Dianne Snowdon
Cllr Linda Williams
Network Management
Environmental Health
Tyne And Wear Archaeology Officer

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Former Jobcentre Ground First And Second Floors Pennine House Washington Town Centre
Washington
Tyne And Wear Emergency Third Floor Pennine House Washington Town Centre Washington
Oval Neo Properties Suite 4 4 Pennine House Washington Town Centre Washington
AHL Industrial Pipework Suite 4.3 Pennine House Washington Town Centre Washington
Oval Neo Properties Suite 4.2 Pennine House Washington Town Centre Washington
Belt Technologies Europe Suite 3 3 Pennine House Washington Town Centre Washington
2 Glendale House The Galleries Washington Town Centre Washington NE38 7ST
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Final Date for Receipt of Representations: **11.12.2023**

REPRESENTATIONS:

Publicity associated with the application included letters being sent to the occupiers of neighbouring properties within close proximity to the application site, site notices being displayed, and a notice being posted in the local press.

The following consultees were consulted on the application.

- o Director of Children's Services
- o Flood and Coastal Group Engineer (the Lead Local Flood Authority)
- o Planning Policy
- o Environmental Health
- o Contaminated Land Officer
- o Transport Development (the Local Highway Authority)
- o Tyne and Wear Archaeology Officer
- o Nexus
- o National Highways
- o Tyne and Wear Fire and Rescue Service
- o Northumbria Ambulance Service
- o North Gas Networks
- o Northern Powergrid
- o Northumbrian Water
- o Northumbria Police
- o Three Ward Councillors

Press notice expiry date: 05/09/2023

Site notice expiry date: 30/08/2023

Neighbour notifications expiry date: 29/08/2023

Consultation expiry dates: 29/08/2023, 30/10/2023 20/11/2023, 03/04/2024, 29/05/2024 and 13/06/2024

Neighbour Notification Responses - none received

Internal consultee responses

Environmental Health

The proposed development would be acceptable subject to conditions being attached to any planning permission in relation to a noise assessment and a Construction Environmental Management Plan (CEMP).

The submitted noise assessment relates to a previous application and has not been updated to reflect the current proposal. Therefore, prior to occupation of the development an updated / amended assessment should be submitted, considering all potential noise sources in the vicinity and also any noise sources from the building itself such as plant rooms.

Dust mitigation measures within the submitted Air Quality Assessment should be incorporated into a CEMP or be provided in a separate Dust Management Plan for the demolition / construction.

Given the location of the site and the character of the immediate area, the following matters should be addressed and included within a CEMP: working hours, noise, dust and air pollutants and lighting.

Education Officer

No contribution required

Flood and Coastal Team (the Lead Local Flood Authority)

First representation - Site specific Drainage Strategy and/or Flood Risk Assessment will be required

Second representation - Confirmation required, via text within the Design and Access Statement, to indicate that the drainage would remain as existing with no increase to the current impermeable area.

Third representation - No objections

Transportation Development (the Local Highway Authority)

First representation

- o Location - The application site is a sustainable location for a residential development.
- o Pedestrian access - The proposed development would have a well-defined pedestrian movement framework, to and from local services and facilities, so it is important that due consideration be given to the on-site external lighting scheme to keep residents and visitors safe.
- o Car parking - This should be in accordance with the Sunderland City Council, Development Management, Supplementary Planning Document, therefore an accessibility questionnaire should be completed. The applicant states that 36 spaces are currently provided in the car park, increasing to 40 spaces, however it is not clear if these spaces are for this part of the development only, or if the rest of Derwent House is included, or any of the other buildings in the locality.
- o Visitor parking - This should be provided and clearly marked.
- o Cycle parking - Secure, covered cycle storage shelters should be provided. The applicant should be advised to clarify the number of proposed cycle spaces and if these spaces are secure and covered.
- o Electric charging - The development should include measures to encourage sustainable transport initiatives and make suitable provision for electric vehicle charging points. The applicant should be advised to demonstrate the EV charging points on a site plan.
- o Turning space - Turning space within the development should accommodate the turning movements of a large refuse vehicle (11.2m). The applicant should be advised to demonstrate the turning manoeuvres of the refuse vehicle.
- o It is recommended that public transport information is available for the commencement of residents occupying the development site, as this will likely encourage sustainable journeys from the outset.
- o Construction Environmental Management Plan (CEMP) - A CEMP is required.

Second representation - No objections

- o Proposed car parking for residents and visitors appears satisfactory.
- o A cycle shelter is proposed. This should be secure and covered. Details should be subject to a planning condition.
- o Electric vehicle (EV) provision appears acceptable.

Land Contamination Officer

The submitted Phase 1 Desk Top Study Report provides a good overview of the site's setting, history, and its potential to be affected by contamination. The report and the proposed Phase 2

investigation works are acceptable. No objections are raised subject to conditions being attached to any planning permission in relation to a Phase 2 ground investigation, a remediation strategy a verification report, and in relation to the event of any unexpected contamination being found that was not previously identified.

Ecology Officer

No objections.

Based on the nature of the proposals and the structures to be affected they are not likely to result in significant adverse effects. No direct mitigation is therefore required.

Due to the nature of the proposals and size and nature of the habitats within the application site, it is not considered appropriate to pursue biodiversity net gain in this instance. However, proposals are still required to deliver ecological enhancement, which should be aimed at priority species where possible. For this reason, the recommendations within the Preliminary Ecological Appraisal are supported. These can be secured by a condition requiring landscape detail, and an additional condition to secure the installation of bat and bird boxes within the final development. There is also opportunity to incorporate swift boxes at eaves level of the proposed new story.

Ward Councillors

No responses received

External Consultee responses

Tyne and Wear Archaeology Officer

No comments to make in relation to the proposed development.

Northumbrian Water

No comments to make in relation to the proposed development.

National Highways

No objections to the proposed development.

Northern Gas Networks

No objections to the proposed development

Northern Powergrid

No objections to the proposed development

Nexus

Nexus welcomes development in areas well served by public transport - the application site is located in close proximity to Washington bus station which is served by a high number of bus routes.

Any planned extension to the Tyne and Wear Metro in Washington may benefit this proposed development.

Nexus supports any consideration given to a secure communal cycle store at the site. Cycle storage should be in a secure location that is easily accessible to encourage an increased uptake of cycling. Nexus recommends the developer/applicant communicates any local cycling offers and incentives to residents at the proposed development.

Nexus recommends the developer/applicant makes public transport information available on the commencement of residents occupying the development site, to encourage sustainable journeys from the outset.

Tyne and Wear Fire and Rescue Service

No objections to the proposed development. The proposed development would need to accord with building regulations - B5 'Access and Facilities for the Fire Service, and an automatic sprinkler/suppression system should be installed for the building.

Clarification sought regarding whether the building is of timber framed construction.

Case Officer Comments: It is recommended that an informative be attached to any planning permission in relation to the automatic sprinkler/suppression system. The applicant's agent has confirmed that the building is not of timber construction.

Northumbria Ambulance Service

No response received

Northumbria Police

First representation

Northumbria Police supports the refurbishment of Derwent House and the general principles behind the change of use to residential development.

Comments made as follows:

- o The application site is more isolated than a normal residential development, and development adjacent to main arterial routes can be more vulnerable to opportunistic foraging criminality. The proposed development should therefore seek to achieve Secured by Design accreditation.
- o All easily accessible windows should be to PAS 24 (20022).
- o Individual flats should be dual certificated (a doorset that has undergone full scale recognised industry standard tests for fire resistance and security).
- o Factory prepared doorsets should be considered rather than a standard door assembly (important for fire and security performance).

Second representation

No objections raised, however given the location of the application site it is recommended that the applicant achieves certain standards for the communal entrance and lighting scheme, and communal door sets.

COMMENTS:

PLANNING POLICY AND LEGISLATIVE CONTEXT

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permission must be determined in accordance with the adopted development plan, unless material considerations indicate otherwise.

The current development plan comprises the Core Strategy and Development Plan (2015-2033) adopted in January 2020, the 'saved' policies within the City of Sunderland Unitary Development Plan (UDP) adopted in 1998 and the UDP Alteration No. 2 (Central Sunderland) adopted in 2007, and the International Advanced Manufacturing Park (IAMP) Area Action Plan (AAP) 2017-2032.

The National Planning Policy Framework (NPPF) (December 2023) is a material consideration for the purposes of Section 38(6) of the Act. It provides the Government's planning policy guidance, and so the assessment of a planning application should have regard to it.

ASSESSMENT OF THE PROPOSED DEVELOPMENT

It is considered that the main issues relevant to the determination of this application are as follows:

1. Principle of development;
2. Housing Policies
3. Design and impact on visual amenity;
4. Impact on residential amenity;
5. Impact on highway and pedestrian safety;
6. Impact on ecology;
7. Impact on flooding and drainage;
8. Impact in relation to land contamination;
9. Impact on archaeology;
10. Greenspace and
11. Planning obligations / Viability.

1. Principle of Development

Strategy / Land Use Policies

Policy SP1 'Development strategy' of the adopted Core Strategy Development Plan (CSDP) states that to support sustainable economic growth and meet people's needs, the Council will seek to deliver at least 13,410 net new homes and create sustainable communities which are supported by adequate infrastructure. It states that the spatial strategy seeks to deliver growth and sustainable development by supporting the sustainability of existing communities including Washington, by delivering the majority of development in the Existing Urban Area, by emphasising the need to develop in sustainable locations and by encouraging higher density development in close proximity to transport hubs.

Policy SP3 'Washington' of the adopted CSDP states that Washington will continue to thrive as a sustainable mixed community and a driver of economic growth for Sunderland.

The proposed development would contribute to providing new homes and creating sustainable communities, which are supported by adequate existing infrastructure. It would contribute to delivering growth and sustainable patterns of development by supporting the sustainability of existing communities including Washington. It would also be located within the Existing Urban Area, in a sustainable location with good access to public transport.

The site is subject to saved Policy EN10 of the adopted Unitary Development Plan (UDP). This policy dictates that, where the UDP does not indicate any proposals for change, the existing pattern of land use is intended to remain. In this regard, the immediately surrounding area is mixed residential / commercial in nature. As such, the proposed residential development would reflect the existing pattern of land use and so it would accord with saved Policy EN10 of the adopted UDP.

It is considered that the proposed development would accord with Policy SP1 and Policy SP3 of the adopted CSDP and saved Policy EN10 of the adopted UDP. It is therefore considered that the proposed development would be acceptable in principle.

2. Housing Policies

Policy SP8 'Housing supply and delivery' of the adopted CSDP seeks to deliver 745 dwellings per annum through strategic sites, allocations, Strategic Housing Land Availability Assessment sites, conversions and changes of use, windfall and small sites.

Policy H1 'Housing mix' of the adopted CSDP states that residential development should create mixed and sustainable communities by contributing to meeting affordable housing needs and market housing demand. It states that residential development should provide a mix of housing types, tenures and sizes which is appropriate to its location. It also sets out that density should be appropriate to its location and that dwellings on developments of 10 or more should meet building regulations in relation to accessible and adaptable dwellings.

Policy H2 'Affordable homes' states that all developments of 10 dwellings or more, or on sites of 0.5 ha or more, should provide at least 15% affordable housing. It further states that a viability assessment should be submitted where it is not proposed to deliver the affordable housing requirement in full.

The application site is considered to be a windfall site. It would provide an acceptable density of development, and provide a housing type, tenure and size that would be appropriate for this location. It would therefore accord with Policy SP8 and Policy H1 of the adopted CSDP.

National Planning Policy Guidance (NPPG) provides an incentive for brownfield development on sites containing vacant buildings. Where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought.

In this case it is considered that the vacant building credit would apply. This is because it is considered that the building has not been abandoned and has not been made vacant for the sole purposes of re-development. The building is also not covered by an extant or recently expired planning permission for the same or substantially the same development. The vacant building credit is calculated based on the floor space of the existing building and the proposed floorspace to be created. When the relevant calculation is undertaken, one affordable housing unit would be required for the proposed development.

The applicant would be required to enter into a Section 106 legal agreement to secure the delivery of one affordable housing. However, they have submitted a Viability Assessment seeking to demonstrate that the proposed development would be unviable if one affordable housing unit (as well as other financial contributions) are required to be delivered / provided.

The proposed development would not provide the required single affordable unit and to that extent it would not accord with Policy H2. However, subject to the acceptability of the Viability Assessment (see 'Planning Obligations / Viability' below) it is considered that the proposed development would be acceptable in the planning balance.

3. Design and impact on visual amenity

Policy BH1 'Design quality' of the adopted CSDP seeks to achieve high quality design and positive improvement. To meet this objective, development should create places which have a clear function, character and identity based upon a robust understanding of local context, constraints and distinctiveness. It states that development should be of a scale, massing, layout, appearance and setting which respects and enhances the positive qualities of nearby properties and the locality. It states that development should promote natural surveillance; clearly distinguish

between public and private spaces; provide landscaping, create visually attractive and legible environments; and in the case of tall buildings, form a positive relationship with the skyline and the surrounding area. It further states that development should create safe, convenient and visually attractive areas for servicing and parking; and encourage durability and adaptability throughout the lifetime of the development.

Policy BH2 'Sustainable design and construction' of the adopted CSDP requires sustainable design and construction to be integral to new development and that, where possible, major development should maximise energy efficiency, reduce waste, conserve water, carefully source materials, provide flexibility and adaptability, enhance biodiversity and include buffers to any waste and water treatment works.

It is considered that the proposed development would refresh the external appearance of the existing building. An additional storey would be added to the building however it would be no higher than the existing building taking into account the existing plant (that would be removed as part of the scheme). There are two other buildings within the immediate vicinity of a similar height. It is therefore considered that the proposed development would be in keeping with the existing built form. It would be of a scale, massing, layout and appearance that would respect and enhance the positive qualities of nearby properties (the other relatively tall buildings in the immediate vicinity) and the locality. It would have no unacceptable impacts on the skyline and the surrounding area. External building materials for the proposed works to the building would be acceptable. It is recommended that a condition be attached to any planning permission to control that the works to the building (including the new storey) be constructed in accordance with the submitted materials schedules.

The proposed development would not include any new boundary treatment, and existing hard standing areas would be used for parking. Impact on landscaping would be minimal, with the cycle and bin stores being positioned on existing small parcels of soft landscaped areas. No details have been provided in relation to the cycle and bin stores. It is therefore recommended that a condition be attached to any planning permission to require details of the cycle and bin stores to be submitted to and approved in writing by the Local Planning Authority (prior to the occupation of the development). Subject to the discharge of and compliance with this recommended condition it is considered that the proposed development would be acceptable in relation to servicing and parking.

The applicant's Design and Access Statement has stated that there would be a focus on sustainability for the proposed development. The proposed development would include insulation over and above Building Regulation requirements, high quality energy efficient fittings throughout, large efficient windows providing solar gain, as well as electric vehicle charging points. It is therefore considered that the proposed development would incorporate sustainable design and construction.

Northumbria Police have raised no objections to the proposed development. However, they have advised that certain security standards be met in relation to communal entrance doors and lighting. It is recommended that an informative be attached to any planning permission to remind the applicant of these security standards.

Subject to the compliance with the recommended conditions, given the above assessment it is considered that the proposed development would be acceptable in relation to design and visual impact. As such it would accord with Policy BH1 and Policy BH2 of the adopted CSDP, and guidance within the Council's Development Management SPD and the NPPF (December 2023).

4. Impact on residential amenity

Policy HS1 'Quality of life and amenity of the CSDP states that development must demonstrate that it would not result in any unacceptable adverse impacts which cannot be addressed through appropriate mitigation, including arising from air quality, noise, dust, vibration, odour, emissions and traffic.

Policy HS2 'Noise-sensitive development' of the adopted CSDP states that development sensitive to noise should be directed to the most appropriate locations, and be protected against existing and proposed sources of noise through careful design, layout and uses of materials.

Policy BH1 'Design quality' of the adopted CSDP seeks to ensure that development retains acceptable levels of privacy and ensures a good standard of amenity for all existing and future occupiers of land and buildings. It seeks to ensure that residential development meets national space standards.

Section 5.23 of the Council's Development Management Supplementary Planning Document (SPD) (June 2021) sets out minimum spacing standards between dwellings. Between main facing windows, for one or two storey dwellings spacing should be 21 metres from any point of facing windows. Spacing should be 26 metres for three storey dwellings, plus 5 metres for each additional storey over 3 metres. Development of more than 4 storeys will be considered on their individual merits having regard to a fully detailed analysis of spacing, sunlight and daylight. Between main windows facing side of end elevations (with secondary windows or no windows), for one or two storey dwellings spacing should be 14 metres from any point of main windows. Spacing should be 19 metres for 3 storey dwellings, plus 5 metres for each additional storey above 3.

The nearest neighbouring residential properties to the application site are positioned to the north within Glendale House. This building is only marginally under 15 metres from Derwent House. This is a relatively short distance and under the standards within the Council's Development Management SPD. However, the main direct overlooking would be between windows within Glendale House and ground, first and second floor windows within Derwent House. However, the ground floor, first floor and second floor apartments can already be converted under application Ref: 22/02607/PCG. Under this application prior approval was required and granted under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the change of use of the ground, first and second floor offices to 24 apartments (Use Class C3). Under this application (and in accordance with this legislation) it was concluded that each habitable room would be served with at least one window, which would allow an adequate level of natural light into the room with good mid and long distance views.

The proposed development comprising the conversion of the upper floors and the construction of a new sixth storey would not cause any direct overlooking of habitable room windows within Glendale House. Any overlooking would be with neighbouring windows on floors at a lower level and so at an oblique angle.

The new sixth storey would result in the building being approximately three metres higher than the existing building (excluding the existing plant). Derwent House is also positioned to the south of Glendale House. However, the existing building is already dominant and causes some overshadowing to habitable room windows within Glendale House. Given the existing built form and the separation distance of just under 15 metres, any impacts in terms of dominance and overshadowing / loss of light of the proposed new sixth storey on habitable room windows within Glendale House would not be materially harmful over and above the existing situation.

The proposed development would provide accommodation that would accord with nationally described spacing standards (with the exception of one apartment that would be only marginally under). It is therefore considered that the proposed development would be acceptable in relation to these standards.

The Council's Environmental Health Officer has raised no objections to the proposed development, subject to conditions being attached to any planning permission relating to the submission of a noise assessment and a Construction Environmental Management Plan (CEMP). Given the comments from the Council's Environmental Health Officer, it is recommended that their suggested conditions be attached to any planning permission.

Subject to the compliance with the recommended conditions, it is considered that the proposed development would have no unacceptable impacts on the amenity of the occupiers of existing dwellings in the vicinity of the application site including during the construction process. It is also considered that the proposed development would afford future occupiers of the residential units with an acceptable standard of amenity. It is therefore considered that the proposed development would accord with Policy BH1, Policy HS1 and Policy HS2 of the adopted CSDP.

5. Impact on highway and pedestrian safety

Policy ST2 'Local road network' of the adopted CSDP states that to ensure development has no unacceptable adverse impact on the local road network, proposals must ensure that new vehicular access points are kept to a minimum and designed in accordance with adopted standards; they deliver safe and adequate means of access, egress and internal circulation; they are assessed and determined against current standards for the category of road; they have safe and convenient access for sustainable transport modes; and they will not create a severe impact on the safe operation of the highway network.

Policy ST3 'Development and transport' of the adopted CSDP states that development should provide safe and convenient access for all road users, in a way which would not compromise the free flow of traffic on the public highway, pedestrians or any other transport mode; exacerbate traffic congestion on the existing highway network or increase the risk of accidents / endanger the safety of road users. It states that development should provide a level of vehicle parking and cycle provision in accordance with the Council's Parking Standards.

The Council's Transportation Department (the Local Highway Authority) have raised no objections to the proposed development. They have advised that proposed car parking for residents and visitors, and electric vehicle (EV) provision would be acceptable. They have recommended that a condition be attached to any planning permission in relation to details of a cycle shelter that should be secure and covered, and to require the submission of a Construction Environmental Management Plan (CEMP).

Given the comments from the Council's Transportation Department, it is recommended that conditions be attached to any planning permission to control parking provision (including EV provision), and to require the submission of cycle store details and a CEMP. It is also recommended that a condition be attached to any planning permission in relation to details of the bin store.

Given the comments from the Council's Local Highway Authority it is considered that the proposed development would be in a sustainable location, and it would have no unacceptable impacts on the highway network in terms of capacity or safety. Subject to the discharge of and compliance with the recommended conditions, it is considered that the proposed development would accord with Policy ST2 and Policy ST3 of the adopted CSDP.

6. Impact on ecology

Policy NE2 'Biodiversity and geodiversity' of the adopted CSDP states that where appropriate development should seek to provide net gains in biodiversity, and should avoid or minimise adverse impacts on biodiversity.

Paragraph 180 d) of the National Planning Policy Framework (NPPF) states that opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity.

As part of the planning application a Preliminary Ecological Appraisal has been submitted. This concludes that the habitats within the application site are of low nature conservation value, with only common widespread species recorded. Two invasive species were present, and so a method statement should be produced to ensure adequate means of eradicating or containing the spread of these plants. Buildings contain negligible potential for use by roosting bats, and as such habitats are unlikely to provide a significant resource for foraging / commuting bats in the local area. However, any lighting should still avoid light spill into adjacent habitats. Potential for habitats to support nesting birds was also very limited. However, to comply with legislation, any removal of vegetation should be timed to avoid the nesting season where possible (March to August inclusive). No other surveys have been recommended.

The Preliminary Ecological Appraisal states that hedgehog may pass through the site, and so post development habitats should be enhanced to provide suitable foraging areas. Further enhancement measures are recommended including landscape planting (trees and shrubs of native species), bat and bird boxes on built structures, and any formal lawn areas being seeded with a species rich flowering mix.

The Council's Ecology Officer has given consideration to the submitted Preliminary Ecological Appraisal. They have raised no objections to the proposed development. Given that the application site has limited nature conservation value, they have advised that Biodiversity Net Gain would not be necessary in this instance, but that ecological enhancements measures as set out in the submitted Preliminary Ecological Appraisal should be provided. They have recommended that conditions be attached to any planning permission to require biodiversity enhancements to be undertaken, in accordance with those set out within the Preliminary Ecological Appraisal and an additional condition to control the installation of bat and bird boxes.

It is recommended that an informative to applicant be attached to any planning permission to remind the applicant of the statutory protection afforded to birds, and of the need to undertake construction works outside of the bird breeding season (unless the site is checked by a suitably qualified ecologist).

Subject to the compliance with the recommended conditions, it is considered that the proposed development would have no unacceptable impacts on ecology, and so it would accord with Policy NE2 of the adopted CSDP, and guidance within the NPPF.

7. Impact on flooding/drainage

Policy WWE2 'Flood risk and coastal management' of the adopted CSDP states that to reduce flood risk development should follow the sequential approach to determining the suitability of land for new development, directing new development to areas at the lowest risk of flooding.

Policy WWE3 'Water management' of the adopted CSDP states that development must consider the effect on flood risk, on-site and off-site, commensurate with the scale and impact.

Policy WWE5 'Disposal of foul water' of the adopted CSDP states that development should utilise the drainage hierarchy which is i) connection to a public sewer, ii) package treatment plant, and then iii) septic tank.

The Council's Lead Local Flood Authority (LLFA) has advised that according to the Environment Agency and Sunderland Strategic Flood Risk Assessment date, there is no potential for the application site to flood during storm conditions. The applicant has confirmed this in the submitted Design and Access Statement - indicating that the drainage at the application site would remain as existing with no increase to the current impermeable area. On this basis the Council's LLFA has raised no objections to the proposed development. Given the comments from the Council's Lead Local Flood Authority, it is considered that the proposed development would have no unacceptable impacts in relation to surface water drainage.

Northumbrian Water have raised no objections to the proposed development in relation to impacts on their assets.

It is considered that the proposed development would have no unacceptable impacts in relation to flood risk / foul and surface water drainage. It is therefore considered that the proposed development would accord with Policy WW2, Policy WW3 and Policy WWE5 of the adopted CSDP.

8. Impact in relation to land contamination

Policy HS2 'Quality of life and amenity' of the adopted CSDP states that development must demonstrate that it does not result in unacceptable adverse impacts which cannot be addressed through appropriate mitigation, including those arising from land contamination.

Policy HS3 'Contaminated Land' of the adopted CSDP states that where development is proposed on land where there is reason to believe it is contaminated or potentially at risk from migrating contaminants, the Council will require the applicant to carry out adequate investigations to determine the nature of ground conditions below and, if appropriate, adjoining the site.

A Phase 1 Desk Top Study report has been submitted as part of the application. The Council's Contaminated Land Officer has agreed with the conclusions of this report, including that further ground investigation works are required. They have therefore raised no objections to the proposed development, subject to conditions being attached to any planning permission to require (prior to the commencement of development) the submission of a Phase 2 Land Contamination Report (ground investigation works), the submission of a remediation strategy, and the submission of a verification report. They have also recommended that a condition be attached to any planning permission in relation to any unexpected contamination being found that was not previously identified.

Given the comments from the Council's Contaminated Land Officer, it is recommended that these suggested conditions be attached to any planning permission. Subject to the discharge of and compliance with these recommended conditions, it is considered that the proposed development would have no unacceptable impacts in relation to land contamination, and so it would accord with Policy HS1 (in relation to contamination) and Policy HS3 of the adopted CSDP.

9. Impact on archaeology

Policy BH9 of the adopted CSDP states that the Council will support the preservation, protection and, where possible, the enhancement of the City's archaeological heritage by requiring

applications affecting archaeological remains to properly assess and evaluate impacts and, where appropriate, secure the excavation, recording and analysis of remains and the production of a publicly-accessible archive report.

The Tyne and Wear Archaeology Officer has concluded that based on details submitted in the application, no archaeological work is required in relation to the proposed development. On this basis it is considered that in relation to archaeology, the proposed development would accord with Policy BH9 of the adopted CSDP.

10. Greenspace

Policy NE4 'Greenspace' of the adopted CSDP seeks to protect, conserve and enhance the quality, community value, function and accessibility of greenspace and wider green infrastructure, especially in areas of deficiency identified in the Council's Greenspace Audit and Report by requiring all major residential development to provide:

- o a minimum of 0.9ha per 1000 bedspaces of useable greenspace on site; unless
- o a financial contribution for the maintenance/upgrading to neighbouring existing greenspace is considered to be more appropriate.

The planning application is for a major residential development (it exceeds 10 or more dwellings) and so useable greenspace is required on site, unless a financial contribution for the maintenance/upgrading to neighbouring existing greenspace is considered to be more appropriate.

In this case no additional useable greenspace would be provided on site, and so a financial contribution of £4,911.84 for improvements to alternative open space provision with the Washington Central Ward would be required. However, the applicant has submitted a Viability Assessment seeking to demonstrate that the proposed development would be unviable if a financial contribution is required in relation to the maintenance / upgrading of neighbouring existing greenspace (as well as the provision of one affordable housing unit and other financial contributions).

Whilst the proposed development would not accord with Policy NE4 of the adopted CSDP, a material consideration in the decision making process is the nature of the proposed development and the fact that to require this financial contribution would make the scheme unviable. Subject to the acceptability of the Viability Assessment (see 'Planning Obligations / Viability' below) it is considered that the proposed development would be acceptable in the planning balance.

11. Planning Obligations / Viability

Policy ID2 'Planning Obligations' of the adopted CSDP requires planning obligations to be sought to facilitate the delivery of (i) affordable housing; and (ii) local improvements to mitigate the direct or cumulative impacts of a development, where evidenced, and / or additional facilities and requirements made necessary by the development, in accordance with the Planning Obligations Supplementary Planning Document. It states that where it is not possible to deliver the policy requirements in full, a viability assessment should be submitted.

To facilitate the delivery of the mitigation measures, the Council will seek maintenance, management, monitoring and such related fees.

The Council's Planning Obligations Supplementary Planning Document (SPD) (June 2020) specifically supplements Policy ID2 of the adopted CSDP, and provides guidance in relation to other policies of the adopted CSDP including Policy H2 and Policy NE4 (summarised above).

Paragraph 55 of the NPPF (December 2023) states that Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Such obligations are usually secured via legal agreements under Section 106 of the Town and Country Planning Act 1990 (as amended) and should only be used where it is not possible to use planning conditions. Paragraph 57 goes on to advise that planning obligations should only be sought where the following tests can be met (also set out at Regulation 122(2) of the Community Infrastructure Levy (CIL) Regulations 2010):

- o Necessary to make the development acceptable in planning terms;
- o Directly related to the development; and
- o Fairly and reasonably related in scale and kind to the development.

In this case the following would be required and would need to be secured via a Section 106 legal agreement:

- o One affordable dwelling
- o £4,911.84 financial contribution for improvements to alternative open space provision with the Washington Central Ward (based on 72 bedspaces)
- o £16,896 towards the provision of equipped children's play (based on £704 per unit)
- o £2,052 towards the provision of allotments (based on £85.55 per dwelling)

However, the applicant has submitted a Viability Assessment seeking to demonstrate that the proposed development would be unviable if the above needs to be delivered / provided. They have also provided additional viability information as requested by the Council's advisor in relation to viability.

The Council's advisor in relation to viability has reviewed the submitted Viability Assessment, and all additional viability information submitted to date. They have advised that there remains some difference in opinion in relation to sales / profit values, and that the applicant's summary costs could be more transparent. However, notwithstanding this point, if the applicant's costs are adopted then the proposed development at this time would be unviable. The caveat in relation to this is that the applicant's summary costs could be more transparent if additional details were submitted. They have advised that a potential way forward would be to accept the applicant's costs, but also require viability to be re-tested via a review mechanism to be controlled by a Section 106 legal agreement. This could check actual costs and values achieved as the point of 75% disposal of the proposed development.

The above comments have been given detailed consideration. At present it can be concluded that the proposed development would appear to be unviable if there is a requirement to provide one affordable dwelling as well as the above financial contributions. However, it is acknowledged that the applicant's summary costs could be more transparent and so should be given less weight.

Given the above, whilst reduced weight should be given to the applicant's Viability Assessment (due to the lack of details associated with the applicant's costs), a material consideration in the decision-making process is the nature of the proposed development. It would not provide a significant amount of affordable housing (one unit) and the extent of financial contributions required is low for a residential development. The proposed development would also bring back to life an existing vacant office building, which already has permission (under the permitted development prior approval legal mechanism - see planning history above) for the ground, first and second floor offices to be converted to 24 apartments. The most appropriate / compatible use for the remaining floors of the building would therefore be residential.

In summary, the proposed development would appear to be unviable (albeit concluded based on a summary of the applicant's costs and not detail of the applicant's costs) if the single affordable

housing unit and financial contributions need to be delivered / provided. However, given the nature of the proposed development as set out above, it is considered that, in the planning balance, it would still be an acceptable form of development even if the single affordable housing unit and financial contributions are not delivered / provided.

Conclusions

The proposed development would contribute to providing new homes and creating sustainable communities, which are supported by adequate existing infrastructure. It would contribute to delivering growth and sustainable patterns of development by supporting the sustainability of existing communities including Washington. It would be located within the Existing Urban Area, in a sustainable location with good access to public transport. It would also reflect the existing pattern of land use in the immediate vicinity which is mixed residential / commercial in nature. On this basis it is considered that the proposed development would accord with Policy SP1 and Policy SP3 of the adopted CSDP and saved Policy EN10 of the adopted UDP. It is therefore considered that the proposed development would be acceptable in principle.

The proposed development would not provide the required single affordable dwelling and the financial contributions. However, based on details submitted (albeit with only a summary of costs) the proposed development would appear to be unviable. In any case, the proposed development would comprise the conversion of an existing office building to residential accommodation including the construction of a new sixth storey. It would bring back to life an existing vacant building that already has permission for the ground, first and second storeys to be converted to residential accommodation (under the permitted development prior approval legal mechanism). The most appropriate / compatible use for the remaining floors of the building would therefore also be residential. On this basis it is considered that, in the planning balance, the proposal would be acceptable form of development even if the single affordable housing unit and financial contributions are not delivered / provided.

Subject to the discharge of / compliance with recommended conditions it is considered that the proposed development would have no unacceptable impacts in relation to impact on design and visual amenity. Subject to the discharge of and compliance with conditions relating to the submission of a noise assessment and a Construction Environmental Management Plan (CEMP), it is considered that the proposed development would have no unacceptable impacts on the amenity of the occupiers of existing dwellings in the vicinity of the application site including during the construction process. It is also considered that the proposed development would afford future occupiers of the apartments with an acceptable standard of amenity.

Subject to the discharge of and compliance with recommended conditions, it is considered that the proposed development would have no unacceptable impacts on highway and pedestrian safety, flooding and drainage, contamination or ecology.

The proposed development would conflict with some policies within the Core Strategy and Development Plan because it would not provide the required single affordable unit and financial contributions. However, it would accord with all other policies within the Core Strategy and Development Plan and saved policies of the Unitary Development Plan, and it would accord with guidance within the Council's Development Management Supplementary Planning Document and the National Planning Policy Framework (December 2023). Given the nature of the proposed development, despite not providing the required single affordable housing unit and financial contributions, in the planning balance it is considered that it would still be an acceptable form of development.

Recommendation

It is recommended that the application is approved, subject to the recommended schedule of draft conditions below.

EQUALITY ACT 2010 - 149 Public Sector Equality Duty

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

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

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

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

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

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

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

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

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

RECOMMENDATION: APPROVE, subject to draft conditions below.

Conditions:

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

2 The development hereby granted permission shall be carried out in full accordance with the following approved plans:

- o Drawing No. PL-01 Rev 4 (Location and Block Plan) received 03/07/2023
- o Drawing No. PL-02 Rev 2 (Existing Ground Floor Plan) received 04/05/2023
- o Drawing No. PL-03 Rev 2 (Existing First Floor Plan) received 04/05/2023
- o Drawing No. PL-04 Rev 3 (Existing Second Floor Plan) received 11/06/2023
- o Drawing No. PL-05 Rev 2 (Existing Third Floor Plan) received 04/05/2023
- o Drawing No. PL-06 Rev 2 (Existing Fourth Floor Plan) received 04/05/2023
- o Drawing No. PL-19 Rev 2 (Existing Elevations) received 04/05/2023
- o Drawing No. PL-11 Rev 4 (Proposed Ground Floor Plan) received 11/06/2023
- o Drawing No. PL-11 Rev 4 (Proposed First Floor Plan) received 04/05/2023
- o Drawing No. PL-12 Rev 4 (Proposed Second Floor Plan) received 04/05/2023
- o Drawing No. PL-13 Rev 1 (Proposed Third Floor Plan) received 04/05/2023
- o Drawing No. PL-14 Rev 1 (Proposed Fourth Floor Plan) received 04/05/2023
- o Drawing No. PL-15 Rev 1 (Proposed Fifth Floor Plan) received 04/05/2023
- o Drawing No. PL-16 Rev 1 (Proposed Roof Plan) received 04/05/2023
- o Drawing No. PL-20 Rev 3 (Proposed Elevations) received 13/06/2024
- o Drawing No. PL-21 Rev 1 (Site Plan Showing Allocated Parking and Circulation) received 22/05/2024

Reason: In order to ensure that the completed development accords with the scheme approved and to comply with Policy BH1 of the adopted Core Strategy and Development Plan.

3 The external building materials of the development hereby permitted shall be in accordance with the details as specified on Drawing No. PL-20 Rev 3 (Proposed Elevations) received 13/06/2024, read in conjunction with the render specifications by Alsecco received 11/06/2024.

Reason: To ensure a satisfactory standard of development, in the interests of visual amenity and comply with Policy BH1 of the adopted Core Strategy and Development Plan.

4 Prior to the occupation of the development hereby permitted, a noise assessment shall be undertaken, and a report of the findings including details of any mitigation measures necessary to achieve a satisfactory noise climate within the new dwellings, shall be submitted to and approved in writing by the Local Planning Authority. The noise assessment shall determine whether the level of noise from all potential noise sources is likely to impact the future occupants of the development, and shall be undertaken by a suitably qualified and experienced noise control consultant in accordance with current relevant guidance and standards. Reference should also

be made to the World Health Organisation Guideline Values for Community Noise and BS 8233:2014 Guidance on sound insulation and noise reduction for buildings, and BS4142:2014 Methods for rating and assessing industrial and commercial sound. Any mitigation measures identified in the approved noise assessment shall then be implemented in full prior to the occupation of the development, and be retained and maintained henceforth.

Reason: To safeguard the amenity of future occupiers of the proposed development, and to comply with Policy HS2 and Policy BH1 of the adopted Core Strategy and Development Plan.

5 Prior to commencement of the development hereby permitted, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall identify the potential impacts arising from site clearance and construction works, and shall set out suitable mitigation measures to ensure those impacts upon occupiers and the local environment are prevented or minimised. The CEMP shall detail mitigation measures regarding (but not limited to) working hours of the site, location of site compound and materials storage, measures to control dust, noise and vibration, location of site access, prevention of burning of waste and vegetation, and site lighting. The dust mitigation measures suggested in Appendix D of the Air Quality Assessment by JT Consulting Limited (dated and received 17 May 2023) shall be incorporated into the CEMP or provided as a separate Dust Management Plan for the demolition/ construction phase. The development hereby permitted shall then be constructed in accordance with the approved CEMP.

Reason: To ensure the environmental and traffic impact of the construction of the development is adequately managed and mitigated in the interests of the amenity of nearby occupiers and highway safety, and to comply with Policy HS1, Policy HS2, Policy BH1, Policy ST2 and Policy ST3 of the adopted Core Strategy and Development Plan.

6 Prior to the first occupation of the development hereby permitted, the vehicle parking bays (including electric vehicle (EV) bays), as shown on Drawing No. PL-21 Rev 1 (Site Plan Showing Allocated Parking and Circulation) received 22/05/2025, shall be retained / completed on-site and made available for use. The vehicle parking bays (including EV bays), shall then be maintained and retained henceforth for their designated purposes.

Reason: To ensure a satisfactory form of sustainable development, in the interest of highway safety, and to comply with Policy ST2 and Policy ST3 of the adopted Core Strategy and Development Plan.

7 Prior to the first occupation of the development hereby permitted, full details of a secure and covered cycle store, at the position shown on Drawing No. PL-21 Rev 1 (Site Plan Showing Allocated Parking and Circulation) received 22/05/2025, shall be submitted to and approved in writing by the Local Planning Authority. The approved secure and covered cycle store shall then be constructed in accordance with approved details, and then retained and maintained henceforth for its designated purpose.

Reason: To ensure a satisfactory form of sustainable development, in the interest of amenity and highway safety, and to comply with Policy BH1, Policy ST2 and Policy ST3 of the adopted Core Strategy and Development Plan.

8 Prior to the first occupation of the development hereby permitted, full details of a bin store at the position shown on Drawing No. PL-21 Rev 1 (Site Plan Showing Allocated Parking and Circulation) received 22/05/2025, shall be submitted to and approved in writing by the Local Planning Authority. The approved bin store shall then be constructed in accordance with approved details, and then retained and maintained henceforth for its designated purpose.

Reason: To ensure a satisfactory form of sustainable development, in the interest of amenity and highway safety, and to comply with Policy BH1, Policy ST2 and Policy ST3 of the adopted Core Strategy and Development Plan.

9 Development, other than demolition, shall not commence until a suitable and sufficient ground investigation and Risk Assessment to assess the nature and extent of any contamination on the site (whether or not it originates on the site) has been submitted to and approved in writing by the Local Planning Authority.

The investigation and risk assessment shall be undertaken by competent persons and a written report of the findings must be produced and submitted for the approval of the LPA. The report of the findings must include:

- i a survey of the extent, scale and nature of contamination;
- ii an assessment of the potential risks to:
 - o human health;
 - o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
 - o adjoining land;
 - o ground waters and surface waters;
 - o ecological systems;
 - o archaeological sites and ancient monuments; and
- iii where unacceptable risks are identified, an appraisal of remedial options, and proposal of the preferred option(s).

The Investigation and Risk Assessment shall be implemented as approved and must be conducted in accordance with the Environment Agency's "Land contamination: risk management".

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy HS1 and Policy HS3 of the adopted Core Strategy and Development Plan.

The details are required to be submitted and approved in advance of works commencing on site to ensure the development is undertaken in a manner to protect future users of the site and the environment.

10 Development, other than demolition, shall not commence until a detailed Remediation Scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) has been submitted to and approved in writing by the Local Planning Authority.

The Remediation Scheme should be prepared in accordance with the Environment Agency's "Land Contamination: Risk Management" and must include a suitable options appraisal, all works to be undertaken, proposed remediation objectives, remediation criteria, a timetable of works, site management procedures and a plan for validating the remediation works. The Remediation Scheme must ensure that as a minimum, the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. Once the Remediation Scheme has been approved in writing by the Local Planning Authority it shall be known as the Approved Remediation Scheme.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy HS1 and Policy HS3 of the adopted Core Strategy and Development Plan.

The details are required to be submitted and approved in advance of works commencing on site to ensure the development is undertaken in a manner to protect future users of the site.

11 The Approved Remediation Scheme for any given phase shall be implemented in accordance with the approved timetable of works for that phase.

Within six months of the completion of measures identified in the Approved Remediation Scheme and prior to the occupation of any building in that phase, a Verification Report (that demonstrates the effectiveness of the remediation carried out) must be produced and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy HS1 and Policy HS3 of the adopted Core Strategy and Development Plan.

12 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. A Risk Assessment must be undertaken in accordance with the requirements of the Environment Agency's "Land Contamination: Risk Management" and where remediation is necessary a Remediation Scheme must be prepared and submitted to the Local Planning Authority in accordance with the requirements that the Remediation Scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. Once the Remediation Scheme has been approved in writing by the Local Planning Authority it shall be known as the Approved Remediation Scheme. Following completion of measures identified in the Approved Remediation Scheme a verification report must be prepared and submitted in accordance with the approved timetable of works. Within six months of the completion of measures identified in the Approved Remediation Scheme and prior to the occupation of any building, a validation report (that demonstrates the effectiveness of the remediation carried out) must be submitted to the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological

systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy HS1 and Policy HS3 of the adopted Core Strategy and Development Plan.

13 The development hereby permitted shall be undertaken in accordance with the biodiversity enhancement measures as detailed within Section 7 'Biodiversity Enhancements' of the Preliminary Ecological Appraisal by Futures Ecology (dated May 2024) received 08/05/2025.

Reason: In order to provide biodiversity enhancements on site, and to comply with Policy NE2 of the adopted Core Strategy and Development Plan.

14 Prior to the commencement of development hereby permitted, details of bat and bird boxes (including some provision suitable for swift) to be installed within the building shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the:

- a) Detailed design(s) and/or make and model of bat and bird boxes to be installed;
- b) Location of proposed bat and bird boxes shown on appropriate scale maps and plans;
- c) Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction; and
- d) Persons responsible for implementing the works.

The bat and bird boxes shall then be installed in accordance with the approved details. Any building mounted bat or bird boxes shall be installed integral to the fabric of the building and shall not be installed directly above any doors or windows.

Reason: In order to provide biodiversity enhancements within the site, and to comply with Policy NE2 of the adopted Core Strategy and Development Plan.

Reference No.: 23/01121/SUB Resubmission

Proposal: **Change of use from C3 (residential) to C4 (5 bedroom HMO).**

Location: 265 Chester Road, Sunderland, SR4 7RH

Ward: Barnes
Applicant: Mr Paul Smith
Date Valid: 22 May 2023
Target Date: 17 July 2023

Proposal

Introduction

Members may recall that the above application for planning permission has been previously presented to the Planning & Highways Committee at the meeting held on 18th September 2023.

Members voted in favour of the amended recommendation within the Report for Circulation (18.09.23); which will be repeated below.

"Minded to approve the application, subject to the conditions set out below and the completion of a s106 agreement to secure the coastal mitigation contribution of £686.46."

There has been no substantive progress with regard to securing the legal agreement.

The application has been added to the Agenda so that the recommendation can be amended to ensure that the Applicant makes a contribution towards coastal mitigation (secured via legal agreement) and provide a final point in time for the completion of the legal agreement.

The amended recommendation can be seen below:

Either

Be MINDED TO APPROVE the application, subject to the conditions set out below and the completion of a s106 agreement to secure the coastal mitigation contribution of £686.46."

- o The draft conditions listed at the end of the report*
- o The satisfactory completion of a legal agreement (by 2nd September 24) for the provision of the coastal mitigation contribution of £686.46.*

Or

If the legal agreement, as described in the second point above, has not been completed by 2nd September 2024; then REFUSE planning permission for the reason below:

o There does not exist a mechanism to provide the relevant obligations which make the proposed development acceptable in planning terms, namely the coastal mitigation contribution of £686.46.

The absence of these contributions means that the proposed development would be contrary to Regulation 122 of the Community Infrastructure Levy Regulations 2010 and policies NE2 (biodiversity and geodiversity) and ID2 (planning obligations) of the Core Strategy and Development Plan (2015-2033).

There have been no material changes to the proposal that would alter the advice within the previous committee report. The previous report will therefore be repeated below, together with the amended recommendation in relation to a final point in time for the completion of a legal agreement.

Previous committee report (September 2023)

SITE

Planning permission is sought to change the use of a residential dwelling (Use Class C3) to a House of Multiple-occupation (HMO) (Use Class C4) at 265 Chester Road, Sunderland, SR4 7RH.

The proposed change of use affects a terraced property fronting Chester Road, opposite St. Gabriel's Church and close to Sunderland Royal Hospital. The property is located in the Barnes Ward of Sunderland.

BACKGROUND AND PROPOSAL

The use of a property as an HMO occupied by no more than 6 no. residents falls within use class C4 of the Town and Country Planning (Use Classes) Order. Normally, the change of use of a single dwellinghouse (use class C3) to a C4 use can be undertaken without planning permission by virtue of the 'permitted development' rights afforded by Part 3, Class L of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (the 'GPDO'). The Council has, however, issued a Direction (made under Article 4(1) of the GPDO) which serves to remove this 'permitted development' right in five electoral Wards, including Barnes. As a consequence, within these Wards it is necessary to apply for planning permission to change the use of a dwellinghouse to an HMO falling within use class C4, as is the case with the current application.

The proposal is for a 5no. bed HMO. All of the bedrooms would have ensuite bathrooms and there would be 2no. bedrooms on the ground floor and 3no. on the second floor.

The shared living space would consist of a kitchen/ dining area to the rear.

There are 2 no. onsite parking spaces provided within the rear yard and bin storage is also provided to the rear. The yard is accessed via a rear lane.

No external works are proposed.

It is noted that at the previous Committee held on the 31.07.23, a Councillor site visit was requested to allow further consideration of the proposal. This visit was scheduled for the 15.09.23.

SITE HISTORY

An application for the same proposal (app ref: 23/00698/FUL) was refused on 16th May 2023.

The reason for refusal was the absence of an agreed financial contribution towards the mitigation of harm to European designated sites, generated by additional recreational pressures resulting from the additional housing, and the resultant conflict with policy NE2 of the Council's Core Strategy and Development Plan - Biodiversity and geodiversity.

TYPE OF PUBLICITY:

Site Notice Posted
Neighbour Notifications

CONSULTEES:

Planning Policy
Cllr Fiona Tobin
Cllr Anthony Mullen
Cllr Ehtesham Haque
Environmental Health
Northumbria Police
Network Management
Planning Policy

Saint Gabriels Church Saint Gabriels Avenue Sunderland SR4 7TF
Flat 3 263 Chester Road Sunderland SR4 7RH
Flat 5 263 Chester Road Sunderland SR4 7RH
Flat 4 263 Chester Road Sunderland SR4 7RH
Flat 1 263 Chester Road Sunderland SR4 7RH
Flat 2 263 Chester Road Sunderland SR4 7RH
Methodist Church Ewesley Road Sunderland SR4 7RJ
Methodist Sunday School Ewesley Road Sunderland SR4 7RJ

Final Date for Receipt of Representations: **26.07.2023**

REPRESENTATIONS:

Councillor response

Councillor Ehtesham Haque objected to the proposal given the strain on parking the HMO would cause in the area. The Councillor requested that the proposal be heard at the Planning and Highways Committee.

Public response

None received.

It is noted that public consultation doesn't expire until 26.07.23. Any further representations received will be reported to Members ahead of the Committee meeting.

Internal consultee responses

Transportation Department (the Local Highway Authority)

Comments: It is noted this is a resubmission of a previous application (23/00698/FUL), for which comments were made on 02 May 2023. The re-submitted application has no additional impacts, in terms of highways and transportation and therefore no further comments are required on submitted documents and plans.

Recommendation: No objections on highways or transportation grounds.

Environmental Health

Considers that proposal is acceptable.

Information for the applicant relating to licencing requirements, including the standard room sizes required for licencing applications, was provided.

The applicant provided additional detail relating to room size and the Environmental Health officer confirmed on the 18.07.23 that the proposal would meet the licencing requirements.

Planning Policy

Noted that the application should be assessed against the requirements of policy H6 'Homes in Multiple Occupation (HMOs) and that the proposal would not be contrary to the guidance within the adopted Homes and Multiple Occupation Supplementary Planning Document (HMO SPD) (2020) as the proposed HMO would not result in an over-concentration of HMOs within 100m of the site and would not cause a dwellinghouse to be 'sandwiched' between two HMOs.

Policies BH1 and HS1 relating to residential amenity and noise should also be considered and it was requested that a management plan be provided.

Northumbria Police

Provided no objection to the proposal

COMMENTS:

PRINCIPLE OF DEVELOPMENT

The proposed development must be considered against the policies contained within the Council's adopted Core Strategy and Development Plan (CSDP). This was adopted in January 2020 and served to replace the majority of policies within the previous Unitary Development Plan (UDP), however some UDP policies have been 'saved' pending the intended adoption of an Allocations and Designations Plan.

The site in question is not allocated for any specific land use within the adopted Core Strategy or the saved elements of the UDP and, as such, is subject to saved UDP policy EN10. This policy dictates that, where the Plan does not indicate any proposals for change, the existing pattern of land use is intended to remain. Therefore, proposals for development in such areas must be compatible with the principal use of the neighbourhood.

In this case, the use would be residential within a predominantly residential area and so broadly speaking, the principle of the change of use would therefore be acceptable with regard to the NPPF and policy EN10 of the saved UDP.

Also relevant to the application is CSDP policy H6 'Homes in Multiple Occupation (HMOs)', which states that development for HMOs should ensure that:

1. The property is located where increased traffic and activity would not be detrimental to local amenity;
2. The intensity of use would not adversely affect the character and function of the locality;
3. The proposal would not be detrimental to the amenities of neighbouring properties by causing undue noise and disturbance;

4. Adequate provision for parking, servicing, refuse, recycling arrangements and the management and maintenance of the property can be demonstrated through the submission of a management plan;
5. The proposal would not result in an over concentration of HMOs within the locality; and
6. The accommodation provides a good standard of living space and amenity for occupiers of the HMO.

The Council's adopted Homes and Multiple Occupation Supplementary Planning Document (HMO SPD) (2020) is also applicable. It provides guidance on the management of HMO development and sets out (at page 13) that planning permission for HMOs will not normally be granted:

- I. Where it would result in any residential property (in C3 use) being 'sandwiched' between two HMOs; or
- II. Where the number of HMO dwellings exceeds 10% of the total number of residential properties within a radius of 100 metre from the application site.

The guidance states that where either of the above criteria have been breached, planning permission will only be granted in exceptional circumstances. In addition to the above, the guidance sets out that notwithstanding the threshold limit (as set out above), other material considerations including but not limited to, highways, amenity, character, neighbouring amenity, highway safety and residential amenity of future and existing occupiers arising from the impact of the proposal will be assessed in accordance with the Council's development plan, in particular Policy H6 of the adopted CSDP.

Based on information held by the Council's Planning Policy team, the proposed development would not appear to result in a 'sandwiching effect'. In addition, based on the Policy team's information, it appears that there are 2 no. existing HMOs within 100 metres of the site, and so this proposed development would not result in more than 10 percent of residential properties within 100m of the site being in HMO use.

On this basis, the proposed development would appear to accord with Criteria 2 and 5 of Policy H6 of the adopted CSDP, and guidance within the HMO SPD in relation to the number of HMOs in a certain location. It is therefore considered that a HMO in this location would be acceptable in principle.

Notwithstanding this, it must also be insured that the specific nature of the use would be compatible with the general character and amenity of the area and these matters are considered below.

VISUAL/RESIDENTIAL AMENITY

Policy BH1 within the CSDP requires that development must achieve high quality design and positive improvement. It should be of a scale massing, layout, appearance and setting which respects and enhances the positive qualities of nearby properties and the locality, whilst retaining acceptable levels of privacy and ensuring a good standard of amenity for all existing and future occupiers of land and buildings.

The proposed development would need to accord with Policy HS1 'Quality of life and amenity' (in relation to noise and traffic), Policy HS2 'Noise-sensitive development', and Criterion 4 of Policy H1 'Design quality' (in relation to impact on residential amenity) of the adopted CSDP. It would also need to accord with Criteria 1, 3 and 6 of adopted CSDP Policy H6 'Homes and Multiple Occupation (HMOs)' which is set out above.

The property is a large-terraced dwelling within a busy area adjacent to an 'A'-class road and close to the Sunderland Royal Hospital, two churches and a number of shops and so it is considered that this relatively low-intensity use of the property would not adversely affect the character and function of the locality. Furthermore, it is not considered that the use of the property as a 5 bed HMO would substantively increase comings and goings on site or create noise over and above the existing residential use. As such the proposed development would not be considered to negatively impact the occupiers of neighbouring properties.

The agent confirmed in the management plan submitted on 17.07.23 that they have over 3 years of managing HMOs and are accredited members of the National Residential Landlords Association.

The management plan includes the following operational detail:

- o The HMO will be sourced to young professionals and all tenants will undergo credit and reference checks;
- o Any emergency issues tenants have with the property will be responded to within 24 hours;
- o Each tenant will be given a copy of the house rules which limit social gatherings permitted past certain times as well as providing the protocol in place to deal with any anti-social behaviour. They will be advised that the landlord/managing agent can gain access to the property given that 24 hours notice has been provided.
- o The procedure to tackle anti-social behaviour caused by tenants of the property or their guests/ associates will start with a verbal warning. If the problem persists a written warning will be issued. Finally, if the issue still persists, we will take the appropriate legal action. A clause within the tenant contract will state that they are responsible for any anti-social behaviour by themselves and/or their visitors.
- o The property will be inspected on a monthly basis. The property will be assessed internally and externally to identify any potential maintenance issues.

The management plan provides reassurance as to how the HMO will be operated and it is recommended that this be conditioned as part of any approval of permission. The management plan will also be considered as part of the Environmental Health team's HMO Licensing process.

The 5 bed HMO would include a 23m² common kitchen and dining area, 3no. 23m² bedrooms, 1no. 20m² bedroom and 1no. 26m² bedroom. All bedrooms would have their own toilet/shower rooms and would have a suitable level of outlook.

It is considered that the 5 bedroom HMO offers adequate living space for potential occupiers in terms of their private space and on balance given the room sizes and number of potential occupiers, the shared space available is considered to be satisfactory in this instance.

It is also noted that the Council's Environmental Health Team have confirmed that all of the bedrooms would exceed the minimum room sizes of 10.0m² for one person or 15.0m² for 2 people.

Given the above, it is considered that the proposal would not negatively impact the residential amenity of neighbouring dwellings and would provide a suitable level of accommodation for prospective occupiers in accordance with the NPPF and policies BH1, HS1 and H6 of the CSDP.

ECOLOGY

The proposed development would need to accord with Policy NE2 'Biodiversity and geodiversity' of the CSDP. Policy NE2 sets out measures for the protection, creation, enhancement and management of biodiversity and geodiversity.

The adopted CSDP has been the subject of a Habitat Regulations Assessment (HRA) which concluded that increased residential development within 7.2km of the coastal European designated sites, namely the Durham Coast Special Area of Conservation (SAC) and Northumberland Coast Special Protection Area (SPA) (also designated under the worldwide Ramsar Convention), is likely to result in increased recreation pressure on the European sites. A package of mitigation measures has therefore been set out to mitigate any such impact including dedicated staff, awareness raising, education and interpretation, enhancement of existing greenspaces and monitoring. New residential development (and other types of development as necessary such as HMOs) within 7.2km of these designated sites must contribute towards a package of mitigation, which will provide confidence that adverse effects on integrity (from recreation impacts) can be ruled out. Developer contributions will be collected through Section 106 agreements, which will be set at a per dwelling (or in this case per bed space) tariff of £248.72.

The site is positioned within 7.2km of European designated sites. Therefore, as part of any planning application, and in order for the Council to discharge its obligations under the Habitats Regulations, the applicant is required to enter into a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended), in order for the Council to secure the appropriate contribution to mitigate recreational impacts generated by the proposed development.

The applicant has accepted the need for a financial contribution to the coastal mitigation strategy and a contribution of £686.46 has been agreed (calculated based on the tariff of £248.72 x 2.76 additional bedspaces). In the event Members are minded to approve the application, the decision notice would not be issued until the legal agreement to secure the contribution has been completed.

Given the above and the applicant's agreement to the financial contribution, the proposal would not be considered to have a negative impact on the European Designated Sites and would be in accordance with policy NE2.

HIGHWAY SAFETY

The proposal development would need to accord with Policy ST2 'Local road network' and Policy ST3 'Development and transport' of the adopted CSDP. It would also need to accord with Criterion 4 of Policy H6 'Homes and Multiple Occupation (HMOs)' which is set out above.

It is noted that 2no. parking spaces are available to the rear and bin storage will be located within the curtilage of the property.

The property is also located on a busy bus route, with a number of stops served by buses to a number of destinations close by. It is also close to both the shops and services on Chester Road and the City Centre itself, so the use of a car would not necessarily be essential for occupiers. The level of parking in this instance is therefore considered to be acceptable.

The Council's Highway Officer has confirmed there is no objection to the proposal. It is considered that the proposal would not impact upon car parking provision or the highway network and would raise no pedestrian safety concerns, and as such accords with the NPPF and policies ST2 and ST3 of the CSDP.

CONCLUSION

It is considered that the principle of a HMO use is acceptable, as is its impact on residential amenity and highway safety. Additionally, subject to the completion of the legal agreement to secure the financial contribution to the Council's coastal mitigation strategy the implications of the development relative to the integrity of the European-designated sites is considered acceptable. In order to promote the progress of the legal agreement, the following recommended decision is proposed, which would mean the application is approved if the legal agreement is completed by the stated date, but refused if it is not completed by this time.

Be MINDED TO APPROVE the application, subject to the conditions set out below and the completion of a s106 agreement to secure the coastal mitigation contribution of £686.46."

- o The draft conditions listed at the end of the report*
- o The satisfactory completion of a legal agreement (by 2nd September 2024) for the provision of the coastal mitigation contribution of £686.46.*

Or

1. If the legal agreement, as described in the second point above, has not been completed by 2nd September 2024; then REFUSE planning permission for the reason below:

- o There does not exist a mechanism to provide the relevant obligations which make the proposed development acceptable in planning terms, namely the coastal mitigation contribution of £686.46.*

EQUALITY ACT 2010 - 149 Public Sector Equality Duty

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

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

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

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

In addition, the LPA, in the assessment of this application/proposal has given due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. This approach involves (a) removing or minimising

disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it; (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

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

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

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

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

RECOMMENDATION:

MINDED TO APPROVE the application, subject to the conditions set out below and the completion of a s106 agreement to secure the coastal mitigation contribution of £686.46.

- o The draft conditions listed at the end of the report
- o The satisfactory completion of a legal agreement (by 2nd September 2024) for the provision of the coastal mitigation contribution of £686.46.

Or

1. If the legal agreement, as described in the second point above, has not been completed by 2nd September 2024; then REFUSE planning permission for the reason below:

- o There does not exist a mechanism to provide the relevant obligations which make the proposed development acceptable in planning terms, namely the coastal mitigation contribution of £686.46.

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 The development hereby granted permission shall be carried out in full accordance with the following approved plans:

Location, received 22.05.23

Site Location plan, drawing number 03a, received 22.05.23

Existing floor plans, drawing number 01a, received 22.05.23

Proposed floor plans, drawing number 02a, received 22.05.23

In order to ensure that the completed development accords with the scheme approved and to comply with policy BH1 of the Core Strategy and Development Plan.

3 The area within the rear yard area indicated on plan 03a (Site Location) as being available for the parking of vehicles, shall be laid out in accordance with the approved plans and be made available for such use at all times thereafter.

Reason: In the interests of highway safety and to accord with Policy ST3 of the CSDP.

4 The development shall be operated in full accordance with the measures outlined within the Management Plan submitted on 17.07.23.

Reason: In the interests of residential amenity and to accord with policies BH1, HS1 and H6 of the CSDP.

Reference No.: 24/00143/FUL Full Application

Proposal: **Erection of a two-storey side extension and new roof to existing study to side. (amended plans received)**

Location: 9 Ashton Way, Sunderland, SR3 3RX

Ward: St Chads
Applicant: Mr Peter Greenwell
Date Valid: 6 February 2024
Target Date: 2 April 2024

PROPOSAL:

UPDATE TO MEMBERS

As Members will recall, this planning application was previously considered by the Planning and Highways Committee at a meeting held on 10th June 2024. At the meeting, it was resolved that a decision on the planning application would be deferred to enable a visit to the application site to be carried out. The site visit is to be undertaken on Friday 28th June 2024 and so the application is now being returned to the Committee for the consideration of Members.

There have been no relevant changes in site circumstances or in respect of other material planning considerations since the publication of the previous officer report, or since the previous meeting of the Committee. The previous report is reproduced below as Appendix 1 to this report.

RECOMMENDATION: Members are recommended to APPROVE the development subject to the conditions listed below:

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 The development hereby granted permission shall be carried out in full accordance with the following approved plans:

- Dwg No. RBD/009ASH/PLANNING/003 Rev. B 'Existing and Proposed Site Plans, Location Plan, Existing and Proposed Side Elevations' (19 March 2024)
- Dwg No. RBD/009ASH/PLANNING/002 Rev. B 'Existing and Proposed Elevations' (19 March 2024)
- Dwg No. RBD/009ASH/PLANNING/001 Rev. B 'Existing and Proposed Floor Plans' (19 March 2024)
- Dwg. 'Location Plan' (26 January 2024)

Reason: In order to ensure that the completed development accords with the scheme approved and to comply with policy BH1 of the Core Strategy and Development Plan.

3 Notwithstanding the submitted drawings, the 'Bedroom 4' window shall be fitted with top hung or non-opening obscure glazing and shall be maintained and retained as such thereafter, in order to achieve a satisfactory form of development and to comply with policy BH1 of the Core Strategy and Development Plan.

4 Notwithstanding the provisions of the current Town and Country Planning (General Permitted Development) Order, or any statutory instrument which serves to revoke and re-enact the provisions of that Order, no windows other than those shown on the approved plans shall be inserted in any elevation of the extension hereby approved.

Reason: to ensure surrounding properties continue to enjoy acceptable standards of privacy and to comply with the objectives of policy BH1 of the CSDP.

APPENDIX 1 - REPRODUCTION OF REPORT PRESENTED TO PLANNING AND HIGHWAYS COMMITTEE MEETING ON 10th JUNE 2024.

APPLICATION SITE AND SURROUNDINGS

The property to which the application relates is a two-storey detached dwelling situated on Ashton Way. To the front of the property is a hardstanding driveway with parking suitable for a minimum of 2 no. vehicles. To the rear of the property is an enclosed garden with access along the site of the property.

The application was called into Planning Committee by Councillor McDonough on the 9th April 2024.

PROPOSAL

Planning Permission is sought for the erection of a two-storey side extension and new roof to existing study to side at 9 Ashton Way, Sunderland.

The original proposed plans were reviewed by the Case Officer and were considered unacceptable in relation to policy BH1 of the CDSP and Point 7.3 of the Design Management Supplementary Planning Document for Household Alterations and Extensions.

Following discussions with the Agent, amended plans were received on the 19th March 2024 which are considered to accord with the DMSPD for Household Alterations and Extensions, namely:

- The principal elevation of the proposal has been set-back from the principal elevation of the host dwelling by 1m.
- The proposed side extension has been set off the boundary with neighbouring property 23 Briardene Close by 500mm
- The ridge height was proposed to be flush with the existing roof of the host dwelling. This has now been reduced slightly by approximately 0.16m.

A full re-consultation was carried out on the revised plans. The revised proposals for 9 Ashton Way are as follows:

Two-storey Element

At ground floor level, an L-shaped 'wrap around' extension is proposed for the front and side (north and east) of the existing dwelling. The proposal will extend from the principal elevation (existing hall and garage) of the host dwelling at a depth of approximately 1.7m and extend along the dwelling at a length of approximately 7.2m. The ground-floor element shall then extend along the side of the existing garage at a depth of approximately 8.5m.

The proposal would then extend up to first floor level, with an eaves height of approximately 5.2m and a total roof height of approximately 6.3m (to be built approximately 0.16m lower than the existing roof ridge).

At first floor level, the proposal would have a width of approximately 3.3m and a depth of approximately 7.2m, sitting on top of the existing garage, hall, utility and W.C and ground-floor L-shaped element of the proposal.

The proposal would include windows in the front and rear elevations.

In the rear elevation, a set of windows (ground and first floor) serving the hallway and landing are proposed. A window in the ground floor rear (serving a utility room) is proposed, along with a first-floor window (serving the bedroom) is proposed.

In the principal elevation, a double entrance door (serving the hallway), a window (serving the lounge) and a garage door are proposed for the ground floor. At first floor level, a window (serving the en-suite) and a window (serving the master bedroom) are proposed.

There are no windows proposed for the proposed side elevation (east).

The materials proposed for the works would be to match the existing dwellinghouse (as per the Application Form).

Roof to existing study to the side (west)

Currently, the roof of the existing study to the side of the host dwelling is a flat roof. The proposal is to create a hipped roof (leaning away from neighbouring property No. 7 Ashton Way). The proposal will not see a change in the height of the existing eaves, but would see an additional total roof height of approximately 0.88m.

The materials proposed for the works would be to match the existing dwellinghouse (as per the Application Form).

TYPE OF PUBLICITY:

Neighbour Notifications

CONSULTEES:

Cllr Chris Burnicle
Cllr Simon Ayre
Cllr Dominic McDonough
Network Management

34 Briardene Close Sunderland SR3 3RU

23 Briardene Close Sunderland SR3 3RU
32 Briardene Close Sunderland SR3 3RU
6 Ashton Way Sunderland SR3 3RX
42 Briardene Close Sunderland SR3 3RU
7 Glendale Close Sunderland SR3 3RY
38 Briardene Close Sunderland SR3 3RU
36 Briardene Close Sunderland SR3 3RU
40 Briardene Close Sunderland SR3 3RU
7 Ashton Way Sunderland SR3 3RX
8 Ashton Way Sunderland SR3 3RX

Final Date for Receipt of Representations: **09.04.2024**

REPRESENTATIONS

Original Submitted Plans

SCC Transportation Development (26th February 2024) - no observations.

A letter of support was received from 8 Ashton Way (17th February 2024) stating that they considered the plans to be very detailed and the final look be in-keeping with the other extensions in the street, and that they are happy to support the proposals.

Amended Plans (received 19th March 2024)

SCC Transportation Development (18th April 2024) - no observations or recommendations.

A letter of objection has been received from the neighbouring property No. 23 Briardene Close 28 (8th April 2024), which summarily contains the following grounds for objection:

- Encroachment
- Loss of light
- Loss of privacy
- Overdevelopment

Firstly, it must be noted that a right to light is not a consideration in planning terms. On this basis, this part of the objection cannot be considered when determining this application.

Encroachment and Loss of privacy - this will be addressed in the Residential Amenity section of this report.

Overdevelopment - this will be addressed in the Visual Amenity section of this report.

CONSIDERATION OF APPLICATION

National planning guidance is provided by the National Planning Policy Framework (NPPF) (as amended- December 2023), which requires the planning system to contribute to the achievement of sustainable development. Paragraph 131 of the NPPF sets out that good design is a key aspect of sustainable development, creating better places in which to live and work. Paragraph 135 meanwhile requires that development should function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development, and should offer a high standard of amenity for existing and future users and create places that are safe, inclusive and accessible. Paragraph 139 states that planning 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.

As of 30th January 2020, the Council has adopted a new Core Strategy and Development Plan, which replaces the 1998 Unitary Development Plan (UDP).

Policy BH1 within the CSDP requires that development must achieve high quality design and positive improvement. It should be of a scale massing, layout, appearance and setting which respects and enhances the positive qualities of nearby properties and the locality, whilst retaining acceptable levels of privacy and ensuring a good standard of amenity for all existing and future occupiers of land and buildings.

The Council's 'Development Management' SPD (adopted in June 2021) provides more detailed guidance in respect of domestic development. It encourages a high standard of design to such proposals and reiterates policy BH1's requirement that visual amenity and the amenity of existing dwellings is respected.

Paragraph 4.19 of the DMSPD states that proposed two-storey and first-floor side extensions should not dominate the existing dwelling and should instead appear as a subordinate addition to the property. Such extensions should also be designed to avoid a 'terracing' effect, whereby the visual distinction between neighbouring properties is lost or severely diminished. This issue mainly arises in streets of semi-detached houses.

Paragraph 4.20 sets out that in order to achieve subordination and avoid terracing, proposals for two-storey and first-floor side extensions should:

- Be of a width which is no more than 50% the width of the original dwellinghouse;
- Include a set-back of at least 1 metre from the front wall of the existing house at first floor level or, alternatively, leave a gap of at least 1 metre to the adjacent shared boundary; and
- Include a ridge line to the extension's roof which is set lower than the ridge line of the existing dwelling's roof.

In assessing the proposal, the main issues to consider are the impact of the development upon the appearance of the host property and the street scene in general and the effect upon the residential amenity of the neighbouring properties as well as the impact on highway safety.

VISUAL AMENITY

Firstly, the materials to be used for the proposed works have been identified to match the host dwelling.

The amended proposal provides a set-back of the principal elevation of 1m which accords with the requirements as set out within the DMSPD. The gap between the shared boundary with No. 23 and the side of the proposal measures approximately 500mm, which is lower than the 1m requirement of the DMSPD, and the proposed roof height is lower than that of the ridge height of the existing roof of the host dwelling.

It was noted during the site visit that there are similar proposals in the nearby street scene with first floor side extensions. For example, 1 Ashton Way received planning permission in 1987 for a bedroom/bathroom over the existing garage and is the same original house type as that of the host dwelling No. 9. Whilst it is noted that this example does not include for a two-storey extension, the host dwelling is positioned on a substantially bigger plot with more landscaped

frontage to the side of the host dwelling, which is considered by the Case Officer to be a factor to consider in these circumstances in relation to the minor impact that the proposal would have on the visual amenity of the streetscene.

The DMSPD states that in order to maintain the open character of the street, any extension should respect the building lines of both streets and the general spaciousness of the area. If spacious corner plots are a characteristic of the surrounding area, two storey side extensions should look to maintain such spaces. Taking this into account, and given that the proposal has a reduced ridge height and a 1m set back from the principal elevation of the host dwelling, it is considered that the proposed works would not be considered to be overdevelopment of the dwelling in this instance and maintain the open character of the streetscene whilst respecting the building line of Ashton Way and Briardene Close.

Given that the roof of the proposed extension has a ridge height lower than the ridge of the existing dwelling's roof (160mm lower), and that the principal elevation of the proposal will have a set-back of 1m, it is considered that the proposal will be subservient to the host dwelling. On this basis, it is considered that the proposal would not create a 'terracing effect' and reiterates policy BH1's requirement that visual amenity and the amenity of the existing dwelling is respected. Therefore, the proposal is considered acceptable and as such complies with the NPPF and policy BH1 of the CSDP and DMSPD.

It is considered that the proposed roof to the existing study to the side (west) is considered acceptable in relation to visual amenity and as such complies with the NPPF and policy BH1 of the CSDP and DMSPD.

RESIDENTIAL AMENITY

With regard to the separation distances of the two-storey side extension, the two-storey side elevation (east) would extend past the side wall of the existing garage by approximately 2m. The proposal would contain no windows in the side elevation.

In relation to separation distances, the distance between the front elevation of the host dwelling and others in the streetscene is considered acceptable in this instance due to the two-storey side extension being set back by 1m from the original principal elevation of the dwellinghouse. The gable wall (east) of the proposal will be positioned approximately 29.2m from the principal elevation of No's. 36 and 38 Briardene Close, which accords with the separation distances of the CSDP and DMSPD.

There are 2 no. windows proposed in the first-floor rear elevation of the proposed extension, serving a hallway landing and bedroom 4 (as per the submitted plans). Having reviewed the application and in order to reduce the impact on the amenity and privacy of 23 Briardene Road (who have a bedroom situated approximately 5.4m from the proposed bedroom 4 window), that the window of bedroom 4 be frosted/opaque glass which will be conditioned accordingly. The proposed window to serve the hallway landing is considered to not cause any overlooking or privacy issues due to the window serving a non-habitable room.

In relation to the windows proposed for the principal elevation, these are considered to be acceptable based on the separation distances being acceptable and complying with policy BH1 of the CSDP and DMSPD.

It is considered that the proposed roof to the existing study to the side (west) is considered acceptable in relation to visual amenity and as such complies with the NPPF and policy BH1 of the CSDP and DMSPD.

On this basis and for the reasons set out above, it would not be considered that the overall proposal would appear overbearing or increase overshadowing and have a significant adverse impact on the residential amenity of neighbouring properties in relation to this dwelling or any other neighbouring dwelling to a degree that would warrant a refusal of permission in this instance. As such, it is considered that the proposal complies with the NPPF and policy BH1 of the CSDP and DMSPD.

HIGHWAY ISSUES

Policy ST3 of the CSDP requires development to provide safe and convenient access for all road users in a way that would not compromise the free flow of traffic on the public highway, pedestrians or any other transport mode. Nor should development exacerbate traffic congestion on the existing highway network or increase risk of accidents or endanger the safety of road users.

The Councils Highway Engineer has provided no objection to the proposal.

The proposal does not impact upon car parking provision or the highway network and raises no pedestrian safety concerns, and as such is considered to accord with policy ST3 of the CSDP.

CONCLUSION

The amended proposal is in accordance with policies BH1 and ST3 of the CSDP and the NPPF. It is considered an acceptable form of development which would not cause unacceptable harm to the amenities of the occupiers of the adjoining properties or the street scene in general, nor would it negatively impact highway safety. It is therefore considered on planning balance that the proposed development is considered acceptable and as such it is recommended that members grant consent for the proposed development.

Members are therefore recommended to Approve the application subject to the conditions listed below.

EQUALITY ACT 2010 - 149 Public Sector Equality Duty

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

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

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

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

(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

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

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

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

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

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

RECOMMENDATION: APPROVE, subject to draft conditions below:

Conditions:

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

2 The development hereby granted permission shall be carried out in full accordance with the following approved plans:

Dwg No. RBD/009ASH/PLANNING/003 Rev. B 'Existing and Proposed Site Plans, Location Plan, Existing and Proposed Side Elevations' (19 March 2024)

Dwg No. RBD/009ASH/PLANNING/002 Rev. B 'Existing and Proposed Elevations' (19 March 2024)

Dwg No. RBD/009ASH/PLANNING/001 Rev. B 'Existing and Proposed Floor Plans' (19 March 2024)

Dwg. 'Location Plan' (26 January 2024)

Reason: In order to ensure that the completed development accords with the scheme approved and to comply with policy BH1 of the Core Strategy and Development Plan.

3 Notwithstanding the submitted drawings, the 'Bedroom 4' window shall be fitted with top hung or non-opening obscure glazing and shall be maintained and retained as such thereafter, in order to achieve a satisfactory form of development and to comply with policy BH1 of the Core Strategy and Development Plan.

4 Notwithstanding the provisions of the current Town and Country Planning (General Permitted Development) Order, or any statutory instrument which serves to revoke and re-enact the provisions of that Order, no windows other than those shown on the approved plans shall be inserted in any elevation of the extension hereby approved.

Reason: to ensure surrounding properties continue to enjoy acceptable standards of privacy and to comply with the objectives of policy BH1 of the CSDP.

Reference No.: 24/00392/FUL Full Application

Proposal: **Erection of a dwelling house, new access and driveway and detached garages at no.32 and on new plot. (amended plans received 15.05.24)**

Location: Land At 32 Priory Grove, Sunderland, SR4 7SU

Ward: Pallion

Applicant: Mr Colin Sexton

Date Valid: 14 March 2024

Target Date: 9 May 2024

PROPOSAL:

SITE DESCRIPTION

The site to which this application relates is 32 Priory Grove. The property is a detached bungalow, with a peaked roof projection to the front. The property has garden area to the front sides and rear and a driveway with a garage to the side adjacent to no.28.

It is noted that no. 32 is set at a higher level than the properties to the rear within Swaledale Gardens and also in relation to no. 28 Priory Grove.

The properties within the street consist of bungalows with a mix of designs including the host property's projection to the front, semi-detached Dutch style bungalows and smaller bungalows with no peaked projections to the front.

An application of this nature would normally be determined by officers under delegated powers, however, it has been referred to the Planning and Highways Committee at the request of Ward Councillor Martin Haswell.

It was originally proposed to remove the existing detached garage and erect a 3 no. bedroom detached bungalow within the hardstanding area to the side of no. 32.

The original proposal provided a bungalow with 2 no. hipped dormers to the front and 2 no. hipped dormers to the rear as well as new access for no. 32. The original site plan provided a hardstanding area and garage, but when the agent was asked for elevations of the garage and detail of the permeability of the hardstanding area, it was requested that these elements instead be removed from the proposal.

The proposal has been further amended during the course of considering the application in response to comments from the Council's Highways section requesting detail of parking arrangements, cycling and bin storage and confirmation of an appropriate visibility splay and concerns raised with regard to visual amenity and the residential amenity of potential occupiers and neighbouring dwellings.

The amended plan received on 15th May 2024 provides a two-bedroom bungalow with a large pitched dormer to the front and 3 no. roof lights to the rear. It incorporates a hardstanding area to the front and garden area and detached garage to the rear.

The plan also provides new access to no. 32, a hardstanding area to the front and side and detached garage to the rear.

The existing boundary treatments shall be retained with only the front being amended to provide new access. The new 1.8 metre fencing to the rear would constitute permitted development as per the provisions of Part 2, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (the 'GPDO').

With regard to materials, it is proposed that brickwork, tiles windows and doors would match the host dwelling and that the hardstanding areas will utilise porous block pavements.

TYPE OF PUBLICITY:

Site Notice Posted

Neighbour Notifications

CONSULTEES:

Network Management

Cllr George Smith

Cllr Martin Haswell

Cllr Steven Donkin

Land Contamination

Northumbrian Water

Environmental Health

Natural Heritage

Network Management

Cllr George Smith

Cllr Martin Haswell

Cllr Steven Donkin

Land Contamination

Northumbrian Water

Environmental Health

Natural Heritage

33 Priory Grove Sunderland SR4 7SU

26 Priory Grove Sunderland SR4 7SU

28 Priory Grove Sunderland SR4 7SU

10 Swaledale Gardens Sunderland SR4 7TA

45 Priory Grove Sunderland SR4 7SU

41 Priory Grove Sunderland SR4 7SU

43 Priory Grove Sunderland SR4 7SU

37 Priory Grove Sunderland SR4 7SU

34 Priory Grove Sunderland SR4 7SU

8 Swaledale Gardens Sunderland SR4 7TA

16 Swaledale Gardens Sunderland SR4 7TA

12 Swaledale Gardens Sunderland SR4 7TA

14 Swaledale Gardens Sunderland SR4 7TA

39 Priory Grove Sunderland SR4 7SU
36 Priory Grove Sunderland SR4 7SU
35 Priory Grove Sunderland SR4 7SU

Final Date for Receipt of Representations: **13.06.2024**

REPRESENTATIONS:

Following the original consultation on the application, 6 no. letters of objection were received from the occupiers of 26, 28 and 33 Priory Grove, 12 and 14 Swaledale Gardens and 1 Belsay Gardens. The following concerns were raised:

- o Proximity of proposed building will make occupiers of no. 28 feel encroached upon and hemmed in;
- o The height and width of the construction and proximity to the boundary will overshadow no.28 and create shade for the best part of the day and the new plants on the patio to the side will be unlikely to thrive;
- o The plans don't note that the plot of land at no.32 is approx. 2 feet higher than no's 26 and 28;
- o The construction will obscure the direct sunlight to the side of no.28;
- o The dormer windows to the front and rear will affect the privacy at no.28;
- o Negative impact on house value;
- o Potential damage caused by deep excavations;
- o Existing dwelling left with poor parking facilities and proposed dwelling will cause serious parking issues;
- o Aesthetically disastrous;
- o Serious implications for properties adjoining and behind;
- o Dormers to rear will negatively impact privacy of 12 Swaledale gardens;
- o Increase in fence height will increase fence on 12 Swaledales side by approx. 3 metres as garden is approx..1.5 metres lower, this will cause excess shade and restrict sunlight into the property;
- o The proposal will not respect the character and appearance of the wider area nor compliment the neighbouring properties;
- o The property would be less than 21 metres from no.28 and 32;
- o The upstairs windows will overlook the garden at no.26;
- o Removal of trees and foliage in the garden of no.32 has impacted wildlife and could cause flooding;
- o New property would restrict sunlight entering no14 Swaledale and would negatively impact privacy.

As stated earlier the application was referred to the Planning and Highways Committee by Ward Councillor Martin Haswell. Councillor Haswell confirmed in correspondence dated 25th March 2024 that he would keep an open mind about the application and was providing comments based on information provided by residents.

Councillor Haswell's comments set out that neighbours had raised concerns with regard to the proximity of the proposed dwelling to neighbouring properties no. 28 and no. 30 as well as 2 no. detached properties being squeezed onto the plot, constituting an overdevelopment and the new property. This would not be in keeping with the rest of the street and would impact on visual amenity for the residents.

Following the amendment to the scheme dated 15th May 2024, additional consultation was carried out and 2 no. further objections were received from 26 and 28 Priory Grove, the following concerns were raised:

- o The proposal will not respect the character and appearance of the wider area or compliment the neighbouring properties;
- o Overdevelopment of plot;
- o No.32 is set at a higher level than no.26 which would make the development appear more imposing and unsightly;
- o Structural damage due to excavation works;
- o Removal of foliage will lead to flood risk;
- o Impact of removal of planting on natural habitat;
- o Position of new property will create overshadowing and effect light at no.28
- o

An objection was also received from Ward Councillor Steven Donkin, detailing the following concerns:

- o The proposal involves a significant expansion of the property which is not in keeping with the look, style and size of the other properties in the area. The plot is set higher than the cul de sac and will overlook properties on Swaledale Gardens. Additionally, the design is out of keeping with the look and feel of the other properties in the road;
- o The proposed extension will result in neighbouring properties visual and residential amenity particularly in respect of surrounding lawns and gardens. This will particularly effect those near neighbours on Priory Grove and on Swaledale Gardens;
- o The size of the proposed development will also result in a reduction in privacy for neighbouring properties. Again, this will specifically impact those properties to the rear of the proposed extension but also near neighbours.

Councillor Martin Haswell reiterated his neutral stance and the residents' comments he had received, via an email received on 12th June 2024.

With regard to the objection relating to the impact on house value it should be noted that the planning system does not exist to protect private interests such as property value and so this matter is not one which can be given material weight in the determination of this planning application.

The method of construction and excavation works, meanwhile, does not fall within the remit of planning control and would instead be handled through Building Regulations.

With regard to the removal of planting on site, there are no Tree Preservation Orders or other forms of protection in place at the property and so such activity does not require any consent from the Council as Local Planning Authority.

COMMENTS:

POLICY FRAMEWORK

The National Planning Policy Framework (NPPF) provides the current Government planning policy guidance and development plans must be produced, and planning applications determined, with regard to it. The NPPF requires the planning system to contribute to the achievement of sustainable development.

As of 30th January 2020, the Council adopted a new Core Strategy and Development Plan, which replaces the 1998 Unitary Development Plan (UDP). It should be noted that some of the policies within the UDP were saved by way of direction and if any UDP policies are referred to in this report they will be saved policies.

The policies which are considered to be pertinent to the determination of this application are saved policy EN10 of the UDP and policies SP8, H7, BH1, HS1, NE2 and ST3.

With regard to the above, it is considered that the main issues to consider in the determination of this application are as follows:

- o Principle of development
- o Impact on visual and residential amenity
- o Impact with regard to environmental health
- o Impact with regard to ecology
- o Impact on highway safety.

PRINCIPLE OF DEVELOPMENT

It is noted the proposal would involve the development of a bungalow situated within a residential area. There are no allocations or designations which are associated with the site therefore the site is subject to saved policy EN10 of the Council's Unitary Development Plan, which dictates that, where the UDP plan does not indicate any proposals for change, the existing pattern of land use is intended to remain.

CSDP Policy SP8: Housing Supply and Delivery sets out that the Council's housing requirements will be achieved by (inter alia) the delivery of small sites, defined as a development of four homes or less.

In this regard, the surrounding land use is predominantly residential and as such, the development, being residential in nature reflects the existing pattern of land use. The proposal would also constitute a small site which would make a minor contribution to the delivery of housing.

Given the above, it is considered that the principle of developing a dwellinghouse in an established residential area is broadly acceptable in land use terms, however the overall acceptability of the proposal can only be determined following an assessment of all other relevant material considerations.

VISUAL AND RESIDENTIAL AMENITY

Policy BH1 of the CSDP is relevant and requires that development must achieve high quality design and positive improvement. It should be of a scale, massing, layout, appearance and setting which respects and enhances the positive qualities of nearby properties and the locality, whilst retaining acceptable levels of privacy and ensuring a good standard of amenity for all existing and future occupiers of land and buildings.

It also sets out that from 1 April 2021, development must meet the national spacing standards as a minimum for residential accommodation. These spacing standards are contained within the 'Technical Housing Standard - Nationally Described Spacing' document, published on March 2015 by the Department for Communities and Local Government.

The proposal is also considered to involve 'backland' or 'tandem' development, i.e. the erection of an additional dwellinghouse within the curtilage of an existing dwellinghouse. As such, Policy H7 of the Council's adopted Core Strategy and Development Plan (CSDP) is considered relevant.

It indicates that development of residential new build within the curtilage of an existing dwelling should:

- o be of a form and scale that respects the local character of the area with regard to density, size and massing of existing buildings.
- o have a plot depth that is appropriate in size and would offer an adequate level of separation between dwellings.
- o ensure that an acceptable level of amenity is retained.
- o demonstrate suitable access, having regard to existing dwelling frontages and street scenes; and
- o ensure existing landscape and streetscape features (e.g., mature trees or other landscape features), are integrated into the development.

The Development Management Supplementary Planning Document (SPD) sets out detailed design guidance on domestic alterations and extensions.

Section 2 of the SPD states that, following the erection of any extension, neighbouring properties, including gardens, should still have a reasonable level of privacy. Windows and balconies should be positioned so that they do not directly overlook into the windows of neighbouring homes or gardens.

In order to achieve and retain acceptable levels of space, light and privacy, Appendix 1 of the SPD sets out recommended standards for spacing between dwellings as follows:

- o main facing windows, 1 or 2 storeys - minimum of 21m from any point of facing window;
- o 3 storeys or more - as for 1 or 2 storeys but add 5m for each additional storey;
- o main facing windows facing side or end elevation (with only secondary window or no window) for 1 or 2 storey properties - minimum of 14m from any point of main window;
- o 3 storeys or more - as for 1 or 2 storeys but add 5m for each additional storey, e.g. 3 storeys 19m.

With regard to visual amenity the amended proposal involves a property which does not correspond with the built form within the vicinity. Because of the site constraints and the width of the space available, the proposed dwelling is much narrower than others within the street. The proposed dwelling has a more vertical appearance when compared to the wide fronted, 'low slung' design of other dwellings in Priory Grove. The proposed dwelling will appear to be sandwiched into a tight space between two properties with much broader frontages and will appear as highly incongruous as a result.

The proposed materials would match the host dwelling and the existing boundary enclosure to the front would remain largely unaltered, apart from the new access. These elements are acceptable and would not be an issue with regard to visual amenity.

The proposed garage at no. 32 would, meanwhile, constitute 'permitted development' under the provisions of Part 1, Class E of the GPDO and the proposed garage within the new build would also fall within permitted development size criteria.

With regard to the proposed dwelling and the amenity afforded to potential occupiers, there was a concern that the original proposal would not comply with the nationally described spacing

standards. The agent confirmed on 18th April 2024 that the proposal would not comply, and the scheme was therefore amended.

The amended scheme provided on 15th May 2024 would still not comply with the national described spacing standards. The bedroom with the roof lights has a usable floor area of only 4.95 sqm rather than the minimum 7.5 sqm and only 66.5% of the gross internal floor area would have a minimum height of 2.3 metres as opposed to the recommended 75%.

It is also noted that the bedroom to the rear is served by roof lights and so does not have any meaningful outlook.

Given the size of the proposed dwelling, the curtilage that would exist to the front side and rear of the bungalow is considered to be acceptable with regard to the amenity afforded to future occupiers of the property. The remaining curtilage associated with no. 32 would also be considered sufficient for existing occupiers of this property.

In terms of the residential amenity of neighbouring dwellings, the bungalow would be situated 9.4 metres from the rear fence and 6 metres from the rear elevation of 14 Swaledale Avenue and 7 metres from the rear elevation of 12 Swaledale Avenue, so a total of 14.4 and 15.4 metres separation distance respectively. The minimum distance between main facing windows as set out within the Council's adopted Development Management Supplementary Planning Document (DMSPD) is 21 metres, this distance is increased by 2 metres for every 1 metre difference in height. In this instance, given the difference in height levels on site, it is considered that the separation distance to be achieved should be approximately 23 metres.

Given this, the distances are considered insufficient to ensure that acceptable levels of space, light and amenity would be maintained in relation to these dwellings. The development would appear as highly overbearing and visually intrusive from the garden areas and rear gardens of the dwellings to the rear, to the detriment of their living conditions.

With regard to 28 Priory Grove, whilst the removal of the garage would allow greater outlook from the side windows across the rear of the new property, given the position and size of the new dwelling and in particular the bulk created by the dormer to the front, it would limit outlook to the front and would appear overbearing when viewed from the windows to the side of no. 28 and its rear garden area.

With regard to no. 32, it is proposed to brick up the window serving the kitchen to the side and given that the lounge is served by a large window to the front as well as the window to the side, it is considered that the proposed dwelling would not appear overbearing in relation to the donor property.

In terms of privacy the only window looking onto no. 28 would be obscurely glazed and proposed dormer to the front would overlook the highway to the front, where a degree of surveillance is expected. At the rear the original dormers have been replaced with roof lights and therefore overlooking would not be an issue with regard to the properties to the rear.

With regard to the above comments, the impact of the proposed dwelling on visual and residential amenity has been found to be unacceptable as it will introduce incongruous development to the streetscene and have a harmful impact on the living conditions of neighbouring dwellings. It is therefore not in accordance with the requirements of the NPPF and policies H7 and BH1 of the CSDP.

ENVIRONMENTAL HEALTH

Policy HS1 of the CSDP states that development must demonstrate that it does not result in unacceptable adverse environmental impacts which cannot be addressed through appropriate mitigation, arising from the following sources:

- i. air quality;
- ii. noise;
- iii. dust;
- iv. vibration;
- v. odour;
- vi. emissions;
- vii. land contamination and instability;
- viii. illumination;
- ix. run-off to protected waters; or
- x. traffic;

Given the scale of the proposal and the residential use, it would not increase noise levels within the area over and above what exists presently and nor would future occupiers experience excessive noise levels from the surrounding dwellings or existing road.

As such the Council's Environmental Health Team have provided no objection to the proposal. This is subject to refuse being stored within the curtilage of the property and to a condition requiring a Construction Environmental Management Plan being provided should the application be approved, ensure the amenity of neighbouring dwellings.

With regard to potential land contamination a 'YALPAG' Screening Form was submitted with the proposal.

The Council's Land Contamination Officer confirmed that the report does not identify any potentially significant sources of contamination and the proposed development is of the same use the site is currently used for and does not involve the introduction of a more sensitive receptor. There are no objections to the proposal subject to the addition of a condition to any approval relating to the reporting of any unexpected contamination.

Given the above, and subject to an appropriate condition, the impact of the proposal with regard to environmental issues has been found to be acceptable, in accordance with the requirements of the NPPF and policies HS1 of the CSDP.

ECOLOGY

The proposed development would need to accord with Policy NE2 of the CSDP. Policy NE2 sets out measures for the protection, creation, enhancement and management of biodiversity and geodiversity. Development that would adversely affect a Site of Special Scientific Interest, either directly or indirectly, will be required to demonstrate that the reasons for the development, including the lack of an alternative solution, clearly outweigh the nature conservation value of the site and the national policy to safeguard the national network of such sites.

The adopted CSDP has been the subject of a Habitat Regulations Assessment (HRA) which concluded that increased residential development within 7.2km of the coastal European designated sites, namely the Durham Coast Special Area of Conservation (SAC) and Northumberland Coast Special Protection Area (SPA) (also designated under the worldwide Ramsar Convention), is likely to result in increased recreation pressure on the European sites.

A package of mitigation measures has therefore been set out to mitigate any such impact including dedicated staff, awareness raising, education and interpretation, enhancement of existing greenspaces and monitoring. New residential development (and other types of development as necessary such as HMOs) within 7.2km of these designated sites must contribute towards a package of mitigation, which will provide confidence that adverse effects on integrity (from recreation impacts) can be ruled out. Developer contributions will be collected through Section 106 agreements, which will be set at a per dwelling (or in this case per unit) tariff of £557.14.

The site is positioned within 7.2km of European designated sites. Therefore, as part of any planning application, the applicant is required to enter into a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended), in order for the Council to secure the required payment (£557.14), to mitigate recreational impacts generated by the proposed development.

It is considered that had the application been deemed to be acceptable this matter could have been resolved via the applicant entering into a legal agreement to secure the required mitigation contribution. In the event the application is refused, a contribution could be secured through the appeal process in the event the Planning Inspectorate was minded to allow an appeal.

Given the minor nature of development and as the application was submitted prior to biodiversity net gain becoming mandatory, the Council's Ecologist confirmed that it would not be considered appropriate in this instance to pursue a measurable biodiversity net gain. However, it was requested that ecological enhancement be demonstrated through the installation of habitat boxes or through the creation of other ecological features that contribute to the biodiversity value of the site.

The Council's Ecologist did state that due to the age and nature of the surrounding buildings to the proposed site, in addition to proximity to suitable roosting and foraging habitat for bats, a preliminary bat roost assessment should be carried out to ascertain any likely risk to roosting bats.

It was also confirmed that no removal of hedgerows, trees, shrubs, brambles, or ivy and other climbing plants shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site.

The applicant's agent was requested to provide a bat survey, however the agent declined to do so given that officers had communicated that the application was unlikely to be looked upon favourably.

In the absence of the survey work required to enable the Council to understand risks relating to bats, the proposal would be considered to be contrary to policy NE2 of the CSDP as it cannot be conclusively established that the development will not give rise to harm to ecology and biodiversity.

HIGHWAY SAFETY

Policy ST3 of the CSDP requires development to provide safe and convenient access for all road users in a way that would not compromise the free flow of traffic on the public highway, pedestrians or any other transport mode. Nor should development exacerbate traffic congestion on the existing highway network or increase risk of accidents or endanger the safety of road users.

The original proposal provided new access to 32 Priory Grove and a small hardstanding area to the front of the proposed dwelling.

The Council's Highway Officer pointed out that the proposed development would lead to a loss of parking within the curtilage of the existing property, given the loss of the hardstanding and garage. It was requested that a plan be provided, detailing 2no. parking spaces for the existing dwelling.

It was also requested that a plan be provided detailing 2 no. parking spaces for the proposed dwelling, detail of refuse storage and cycle parking and that a plan demonstrating that visibility splays of 2.4 x 43 can be achieved, be provided can be achieved.

The agent confirmed via email on 21st April 2024 that the appropriate visibility splay would be achieved and that a garage would be installed to the rear of the new property providing covered storage for bikes and wheelie bin storage. It was also now proposed to install a hardstanding area to the front of no. 32 and a detached garage to the rear.

The Council's Highway team considered this detail and the amended plan and confirmed that the amended proposal is not acceptable as the access to the garage of the proposed dwelling is not wide enough to accommodate vehicular access and there is no space to accommodate parking and manoeuvring within the site curtilage to allow vehicles to exit the driveway in a forward gear.

Although the access to the new garage associated with no. 32 is just wide enough to accommodate vehicles, there is insufficient space within the site curtilage to accommodate manoeuvring to allow vehicles to exit the driveway in a forward gear.

The revised drawing does not show 2 accessible parking spaces within the site to accommodate manoeuvring for each dwelling and as such the Council's Highway Section cannot support the application and recommend refusal.

The amended proposal would lead to dangerous manoeuvring on and off site and an increase in on street parking.

The proposal has a negative impact with regard to car parking provision, the highway network and pedestrian safety and as such is considered to be contrary to the NPPF and CSDP policies H7 and ST3.

CONCLUSION

With reference to the above, it is considered that the principle of the proposed development is acceptable and with regard to noise and land contamination the proposal is also acceptable however, the proposal does give rise to significant concerns in relation to visual and residential amenity, highway safety and ecology.

With regard to the above, it is concluded that the proposal fails to comply with the requirements of policies H7, BH1, HS1, NE2 and ST3 of the Council's CSDP and the relevant paragraphs of the NPPF. Consequently, it is recommended that the application is refused.

EQUALITY ACT 2010 - 149 Public Sector Equality Duty

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

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

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

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

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

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

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

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

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

RECOMMENDATION: REFUSE, for reasons set out below:

Reasons:

1 The proposed dwelling by virtue of its design, size and siting, would appear highly incongruous within the street scene, to the detriment of the visual amenities of the area and contrary to the requirements of policies BH1 and BH7 of the of the adopted Core Strategy and Development Plan and the National Planning Policy Framework

2 The proposal would be detrimental to the amenities of no. 12 and 14 Swaledale Gardens by reason of it appearing overbearing and visually dominant from the rear windows and rear garden of these properties, and no. 28 Priory Grove by virtue of appearing overbearing and visually dominant in relation to the side windows of no. 28. As such the proposal would be contrary to the provisions of the NPPF and policies BH1 and BH7 of the City Council's adopted Core Strategy and Development Plan and the adopted Development Management SPD.

3 The application does not provide a satisfactory level of safe car parking for occupiers of no. 32 Priory Grove and the proposed dwelling. The proposed development therefore gives rise to concerns regarding parking provision and highway and pedestrian safety, contrary to the objectives of policy ST3 of the Council's adopted CSDP and the NPPF.

4 The submission does not demonstrate that the proposed development can be constructed without causing harm to protected species, such as bats, in conflict with the objectives of policy NE2 and the NPPF.

Reference No.: 24/00482/LP3 Local Authority (Reg 3)

Proposal: **Replacement of 1.2 m high concrete railings and metal hand rail to the parapet walls of the building with 1.2 metre high metal stud wall, finished with cement smooth cladding which will extend to cover the render panelling below the parapet wall. Also replacement of existing metal windows overlooking the library roof with double glazed metal windows. Full rear elevation of the Connexions building to be clad in Cedral smooth cladding with additional small section of cladding installed between the windows of the first floor and the lower ground floor.**

Location: Washington Town Centre Library, Independence Square, Washington Town Centre, Washington, NE38 7RZ

Ward: Washington Central
Applicant: Sunderland City Council
Date Valid: 19 March 2024
Target Date: 14 May 2024

PROPOSAL:

The application relates to works at Washington Town Centre Library, Independence Square, Washington.

The application site is located within Washington Town Centre. To the north of the site lies The Galleries shopping centre and Washington Library was constructed as part of the development of the New Town centre in the 1970s and is of concrete construction.

The proposed works include the replacement of 1.2 m high concrete railings and metal hand rail to the parapet walls of the building with 1.2 metre high metal stud wall, finished with a silver grey Cedral cladding, which will extend to cover the render panelling below the parapet wall.

It is also proposed to replace the existing metal windows overlooking the library roof with double glazed metal windows.

A previous application for these works was approved by the Planning and Highways (West) Committee on 1st February 2022, however the current application proposes that the full rear elevation of the Connexions building is to be clad in the Cedral smooth cladding with an additional small section of cladding installed between the windows of the first floor and the lower ground floor.

Sunderland City Council manages the Library and consequently, the application has been submitted by a City Council Building Surveyor.

TYPE OF PUBLICITY

Site Notice Posted
Neighbour Notifications

CONSULTEES:

Network Management
Cllr Beth Jones
Cllr Dianne Snowdon
Cllr Linda Williams
Planning And Highways

T T And M M Brown The Galleries Health Centre Washington Town Centre Washington NE38 7NQ

Sunderland GP Alliance The Galleries Health Centre Washington Town Centre Washington NE38 7NQ

Dr Hegde And Partners The Galleries Health Centre Washington Town Centre Washington NE38 7NQ

Pharmacy The Galleries Health Centre Washington Town Centre Washington NE38 7NQ

City Social Services The Galleries Health Centre Washington Town Centre Washington NE38 7NQ

Priority Healthcare Wearside The Galleries Medical Practice Washington Town Centre Washington NE38 7NQ

Final Date for Receipt of Representations: **27.04.2024**

REPRESENTATIONS:

The application has been advertised by way of site notice and no representations have been received in response to this consultation.

COMMENTS:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the statutory development plan unless material considerations indicate otherwise. All planning applications in Sunderland are assessed against the Policies contained within the adopted Core Strategy and Development Plan (CSDP) and, where applicable, the 'saved' Policies contained within the Unitary Development Plan (UDP).

In respect of this proposal, the relevant CSDP policy is BH1 (Design and amenity). Policy BH1 seeks to ensure that development achieves high quality design and positive improvement to the locality.

The National Planning Policy Framework (NPPF) is a material consideration in the determination of planning applications. Paragraph 2 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 11 expands upon this and advises that proposed development that accords with an up-to-date Local Plan should be approved.

The NPPF policies pertinent to this application are found within Chapter 12, which sets out that planning should 'always seek to ensure high quality design and a good standard of amenity for

all existing and future occupants of land and buildings', whilst paragraph 124 requires that great importance is attached to the design of the built environment - good design is a key aspect of sustainable development.

With regard to the directions provided by the aforementioned policies, the proposed development seeks to remove the broken and defective concrete railings and metal hand-rail to the parapet walls and replace with a more modern style of cladding, in order to maintain and refresh the existing building.

With regard to the new double glazed windows, the metal frames would match the windows within the host building and would not, therefore, appear incongruous.

The proposals raise no other amenity concerns given the building's location in Washington town centre.

On the basis of the above, there is considered to be no conflict with the aforementioned policies and consequently it is recommended that Members Grant Consent for the development under Regulation 3 of the Town and Country Planning (General Regulations) 1992 (as amended), subject to the conditions below.

EQUALITY ACT 2010 - 149 Public Sector Equality Duty

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

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

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

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

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

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

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

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

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

RECOMMENDATION: GRANT CONSENT under Regulation 3 of the Town and Country Planning (General Regulations) 1992 (as amended), subject to the draft conditions below:

Conditions:

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

2 The development hereby granted permission shall be carried out in full accordance with the following approved plans:

Location plan, received 12.03.24
Site plan, received 12.03.24
Existing elevations, received 12.03.24
Proposed elevations Rev A, received 14.03.24

In order to ensure that the completed development accords with the scheme approved and to comply with policy BH1 of the Core Strategy and Development Plan.

3 The materials to be used in the development hereby approved shall be those stated within the submitted application form, the approved proposed elevations plan and the email relating to colour of cladding, received 05.06.24. Unless the Local Planning Authority first agrees any variation in writing.

Reason: in the interests of visual amenity and to comply with policy BH1 of the CSDP.

Reference No.: 24/01011/LB3 Listed Building Consent (Reg3)

Proposal: **Repairs and restoration works to the bandstand.**

Location: Bandstand, Roker Park, Roker Park Road, Sunderland, SR6 9PL

Ward: St Peters
Applicant: Sunderland City Council
Date Valid: 28 May 2024
Target Date: 23 July 2024

PROPOSAL:

SITE DESCRIPTION

The application relates to the Bandstand in Roker Park which stands east of the bowling green and miniature railway, when accessed from the entrance on Roker Park Road. The bandstand has been closed to the public since 2021 due to the dilapidated condition becoming a potential public health and safety concern.

Roker Park Bandstand is a Grade II Listed building constructed in 1880 as a key feature of Roker Park, a registered historic park and garden, and a focal point for events and entertainment in the park. The Park and its bandstand are located within the wider Roker Park Conservation Area. The bandstand is a fine example of a Victorian Bandstand influenced by Chinese style garden buildings, but its condition has deteriorated to a point where it is at risk and can no longer be used. Repair works are now urgently required to ensure its long-term conservation and re-establish its purpose as a focus for events in the park.

The park was opened in 1880, being laid out on land donated to the then Corporation on condition that a road bridge was built to span the ravine; this facilitated the development of Roker as a fashionable suburb in late Victorian and Edwardian times. Today the park is largely unchanged, being a fine example of a Victorian park with a bandstand and a ravine which leads directly to the beach. The ravine is a major natural feature within which there are caves, one of which has several local legends associated with it. It is generally a mature, attractive and pleasant area, the extensive mature tree cover contributing significantly to the overall atmosphere. As such it also makes a major contribution to the environment of the surrounding locality which the Council has declared a Conservation Area. For these reasons the park is considered worthy of conservation as an historic park.

In order to improve the condition and appearance of the Bandstand, a variety of external works are proposed as part of this Listed Building Consent application:

1. Covering the roof in a new zinc with the traditional roll cap;
2. Clearing out the guttering, take it down, shot blast and re-fix with sealed joints, as well as forming a new connection to the alternate columns which are hollow and act as down comers;
3. Replace roof brackets and bolts as required;
4. Replace ceiling joists where required;
5. Install fixing strappings to ring beam and timber beams as a precaution;
6. Repairing the corroded cast iron supports and frames to clean away the corrosion. Apply suitable paint system;
7. Repointing of masonry.

8. Installing new tiles to cover the existing concrete floor.

The application has been submitted on behalf of the City Council, which owns Roker Park and the bandstand.

TYPE OF PUBLICITY:

Press Notice Advertised

Site Notice Posted

CONSULTEES:

Planning Policy

The Garden Trust

Historic England

Network Management

Cllr Lynn Vera

Cllr Joshua McKeith

Cllr David Newey

Planning Implementation

Parks

Natural Heritage

Final Date for Receipt of Representations: **26.06.2024**

REPRESENTATIONS:

PUBLIC CONSULTATION-

No comments received to date, consultation period ends on 26th June 2024. Details of any responses received will be provided prior to the Committee meeting.

POLICY COMMENTS -

No objections received, guidance provided on the UDP and Core Strategy policies relating to the historic environment, parks and open spaces (including Roker Park specifically), amenity and ecology.

THE GARDEN TRUST -

No comments received to date, consultation period ends on 26th June 2024 and details of any response received will be provided ahead of Committee meeting.

HISTORIC ENGLAND -

No comments to make, not necessary to consult.

NETWORK MANAGEMENT -

No objections

PARKS -

No comments received to date, consultation period ends on 26th June 2024 and details of any response received will be provided ahead of the Committee meeting.

NATURAL HERITAGE -

No comments received to date, consultation period ends on 26th June 2024 and details of any response received will be provided ahead of the Committee meeting.

CONSERVATION COMMENTS -

The proposals are supported as they deliver essential repair works to an important listed building in a well-informed manner representing good conservation practice and will secure the long-term conservation of a key feature and asset of Roker Park. The proposals satisfy the requirements of NPPF Paragraphs 203 and 205 and CSDP Policies BH7 and BH8 in that great weight has been given to the conservation of the listed building.

The following conditions should be applied for the approval of the Conservation Team:-

Full details or samples of new external materials including zinc roof covering, Alutec guttering (if required), porcelain tiles.

COMMENTS:

PRINCIPLE OF DEVELOPMENT

Paragraph 196 of the National Planning Policy Framework (NPPF) states that plans should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. This strategy should take into account:

- (a) the desirability of sustaining and enhancing the significance of heritage assets, and putting them to viable uses consistent with their conservation;
- (b) the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;
- (c) the desirability of new development making a positive contribution to local character and distinctiveness; and
- (d) opportunities to draw on the contribution made by the historic environment to the character of a place.

Roker Park is allocated under Policy NA28 of the saved Unitary Development Plan (UDP) which states that Roker recreation park is identified as an historic park, its character and setting will be protected from adverse impact by development.

The proposal is subject to consultation with Historic Gardens Trust, Historic England and the Local Planning Authority's Conservation team to ensure that the principle of the works proposed are considered acceptable. The Council's Conservation team is supportive of the proposals, subject to the recommended condition, whilst there are no comments from Historic England.

The proposal is also subject to Policy L1 in the provision of recreation and leisure facilities the city council will seek to:

- (i) Enhance the quality of life for residents and visitors by providing a range of high standard recreational, sporting, cultural and community facilities; and to achieve the standards of open space provision identified in L4, L5 and L6 whilst taking account of the environmental and sustainable policies of the plan
- (ii) Develop the city's prestige and attractiveness in order to enhance its heritage and tourism potential;
- (iii) Improve and extend opportunities for public enjoyment of the countryside (both urban fringe and rural) and its wildlife;
- (iv) promote the dual use of educational and community facilities, (

(v) Retain existing parks and recreation grounds and maintain and upgrade the facilities in line with modern requirements and nature conservation considerations.

The restoration would allow the historic bandstand to be used by the public to enjoy and enhance the quality of life for residents and visitors, improve its heritage and tourism potential, in line with Policy L1 of the UDP above.

Also relevant is policy L12 of the UDP which states that the Council will promote the recreational and tourist potential of the coast and the riverside by improving access and encouraging development which provides for the needs of visitors, without adversely affecting the environment and conservation requirements.

The works are considered to improve the conservation of the park and visitor experience. The proposal is considered to improve the tourist potential and encourage visitors to the location and combine with the proposed amphitheatre works at the site.

The Park is also located within the Roker Park Conservation area and subject to Policies BH7 and BH8 of the Core Strategy Development Plan (CSDP) which aims to preserve or enhance the significance of Conservation Areas development and should be in accordance with the objectives and proposals of the adopted Character Appraisal and Management Strategy for the relevant Conservation Area. Any development should make a positive contribution to the character and distinctiveness of the Conservation Areas and should be of a high design quality.

The works are considered to be acceptable and the proposals are supported as they deliver essential repair works to an important listed building in a well-informed manner representing good conservation practice and will secure the long-term conservation of a key feature and asset of Roker Park. The proposals satisfy the requirements of NPPF paragraphs 203 and 205 and CSDP Policies BH7 and BH8 in that great weight has been given to the conservation of the listed building.

Policy BH1 within the CSDP requires that development must achieve high quality design and positive improvement. It should be of a scale massing, layout, appearance and setting which respects and enhances the positive qualities of nearby properties and the locality, whilst retaining acceptable levels of privacy and ensuring a good standard of amenity for all existing and future occupiers of land and buildings.

The design of the structure will remain and restored to a quality that would enhance the original features of the stand. Those materials that can be retained will not be restored, in order to retain the original design features. The materials would be conditioned to be discharged to ensure they are of the highest specification to retain the original elements of the bandstand.

With regards to the physical alterations proposed as part of the proposal, the site is located within the Roker Park conservation area therefore CSDP Policies BH7: Historic Environment and BH8: Heritage Assets should be considered, to ensure the development respects and responds positively to the historic environment and any nearby heritage assets. Alongside this, part 2 of BH8 states that development affecting a listed building, including alterations and additions should:

- i. Conserve and enhance its significance in regards to the protection, repair and restoration of its historic fabric, its features and plan form, its boundary enclosures, its setting and views of it, its group value and contribution to local character and distinctiveness, and
- ii. Be sympathetic and complementary to its height, massing, alignment, proportions, form, architectural style, building materials and its setting.

The design impact of the scheme should be considered against CSDP Policy BH1. The main criteria to note in this instance are 1 and 7, which detail that development should create places which have a clear function, character and identity based upon a robust understanding of local context, constraints and distinctiveness and create visually attractive and legible environments through provision of distinctive high quality architecture, detailing, building materials, respectively.

The amenity impact should be considered against CSDP Policy HS1: Quality of Life.

It is noted that the site also falls within a Wildlife Corridor, and thus the proposal should be considered against point 6 of Policy NE2 which states that "development that would have a significant adverse impact on the value and integrity of a wildlife corridor will only be permitted where suitable replacement land or other mitigation is provided to retain the value and integrity of the corridor".

The site is located within a 7.2km buffer of designated European designated sites and therefore CSDP Policy NE2: Biodiversity and Geodiversity would be considered relevant with regard to Habitats Regulations Assessment. At Criterion 2, the policy states that development that would have an impact on the integrity on European designated sites that cannot be avoided or adequately mitigated will not be permitted other than in exceptional circumstances. Consideration should therefore be given to whether the proposals would have an impact upon the European designated sites and if so, appropriate mitigation should therefore be sought. Mitigation should be delivered in accordance with the Council's HRA Mitigation Strategy.

Comments from the Council's Ecology Team are awaited to provide clarification on the potential ecological implications of the proposals.

CONCLUSION

For the reasons given above, the proposal is acceptable in terms of the principle of the proposed works, which will restore a Grade II Listed building within a registered Historic Park and Conservation Area. The proposal is considered to comply with policies which relate to heritage considerations, although comments are awaited from The Gardens Trust, whilst comments are also awaited from the Council's Ecologist to establish if any further consideration of ecology and biodiversity is required. In addition, the public consultation period for the application has not yet expired.

EQUALITY ACT 2010 - 149 Public Sector Equality Duty

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

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

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

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

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

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

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

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

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

RECOMMENDATION: MINDED TO GRANT CONSENT, subject to receipt of favourable comments from The Gardens Trust and the Council's Ecology team, the expiry of the public consultation period and the draft conditions below:

Conditions:

1 The works 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 18 of the Planning (Listed Buildings and Conservation Areas) 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 The development hereby granted permission shall be carried out in full accordance with the following approved plans:

- Existing elevations and section received on 22.5.24
- Existing elevations received on 22.5.24
- Site and location plans received on 22.5.24
- Proposed elevations and section received on 22.5.24

In order to ensure that the completed development accords with the scheme approved and to comply with policy BH1 of the Core Strategy and Development Plan.

3 Notwithstanding any indication of materials which may have been given in the application, no development shall take place until full details or samples of new external materials including zinc roof covering, Alutec guttering (if required) and porcelain tiles, 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 BH7 of the Core Strategy and Development Plan.