

## **DEVELOPMENT CONTROL (HETTON, HOUGHTON AND WASHINGTON) SUB-COMMITTEE**

### **AGENDA**

**Meeting to be held in the Committee Room 2 on Wednesday, 29<sup>th</sup> October, 2014 at 4.45 p.m.**

ITEM		PAGE
1.	<b>Receipt of Declarations of Interest (if any)</b>	
2.	<b>Apologies for Absence</b>	
3.	<b>Applications made under the Town and Country Planning Acts and Regulations made thereunder</b>  Report of the Deputy Chief Executive (copy herewith)	1
4.	<b>Town and Country Planning Act 1990 – Appeals</b>  Report of the Deputy Chief Executive (copy herewith)	91

E. WAUGH,  
Head of Law & Governance.

Civic Centre,  
SUNDERLAND.

21<sup>st</sup> October, 2014

## **Development Control (Hetton Houghton & Washington) Sub-Committee**

**29 October 2014**

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### **REPORT ON APPLICATIONS**

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#### **REPORT BY DEPUTY CHIEF EXECUTIVE**

##### **PURPOSE OF REPORT**

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

##### **LIST OF APPLICATIONS**

Applications for the following sites are included in this report.

1. Former Hetton Branch Library, Front Street, Hetton-le-Hole, Houghton-le-Spring
2. Land at Henry Street/ Lindsay Street, Hetton-le-Hole, Houghton-le-Spring
3. Garden of 3 Buckland Close, Biddick, Washington
4. Former London Inn, Spout Lane, Washington
5. BM Stafford & Son, Hetton Lyons Industrial Estate, Hetton-le-Hole, Houghton-le-Spring
6. Rickleton Primary School, Vigo Lane, Washington,
7. Land at West Bridge Street, Mount Pleasant, Houghton-le-Spring

##### **COMMITTEE ROLE**

The Sub Committee has full delegated powers to determine applications on this list. Members of the Council who have queries or observations on any application should, in advance of the above date, contact the Sub Committee Chairman or email Development Management [dc@sunderland.gov.uk](mailto:dc@sunderland.gov.uk)

## **DEVELOPMENT PLAN**

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

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

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

## **STANDARD CONDITIONS**

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

## **SITE PLANS**

The site plans included in each report are illustrative only.

## **PUBLICITY/CONSULTATIONS**

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

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

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

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

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

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

Janet Johnson  
Deputy Chief Executive

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**Reference No.:** 13/02770/LP4 LP4 (Regulation 4) 3rd Party Developer

**Proposal:** **Change of use from boxing club (use class D2) to day nursery (use class D1), to include new rooflights to existing building, change of use and stopping up of highway/open space to create new external play area with fencing, erection of detached binstore, detached container and additional new fencing. (Amended description 19.09.2014)**

**Location:** Former Hetton Branch Library Front Street Hetton-le-Hole  
Houghton-le-Spring DH5 9PG

**Ward:** Copt Hill  
**Applicant:** Tavistock House Day Nursery Ltd  
**Date Valid:** 28 May 2014  
**Target Date:** 23 July 2014

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## **PROPOSAL:**

The site to which the application relates is a distinctive brick building occupying a relatively prominent position on the junction of Front Street and Caroline Street on the approach to the defined Hetton Shopping area. The Local Authority owned building is currently vacant but was last occupied by a boxing club following a planning approval in 2004 which sought conversion from a library (Planning ref: 04/02324/FUL).

The subject building is set within wider grounds which incorporate an enclosed rear yard area and a relatively large open forecourt. The planted forecourt offers a good level of amenity to the wider area and whilst not being adopted highway, does contain footways which inter-connect with the public highway network. Outside the confines of the immediate site the surrounding land uses comprise a mixture of residential and commercial properties.

Planning permission is sought for the change of use of the building from that of a boxing club (use class D2) to a day nursery (use class D1). In order to facilitate the development it is proposed to undertake a number of physical alterations. These include;

- o The installation of roof lights within the northern, western and eastern roof planes.
- o The change of use and stopping up of the open forecourt to the south to create an external play area (enclosed by 1.1m high iron railings above existing dwarf wall).
- o The installation of 1.5m high close board fencing to the eastern curtilage (behind the existing iron railings).
- o The erection of a bin storage area within northern play area.
- o The siting of a metal storage container to north western corner of the site.

The submitted plans indicate that there would be some internal reconfiguration of the buildings layout and that the usable space would straddle both the ground and first floors. The main entrance into the proposed nursery would be via an existing doorway located on the ground floor to the west. Whilst some in-curtilage parking is currently provided within the existing rear/side yard, this parking would be lost to facilitate a further external play area.

The applicant has confirmed that the nursery will be registered for approximately 80 children and that the new use would employ up to 15 members of staff when fully operational. The proposed opening hours of the nursery are 07.00 to 19.00.

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

Site Notice Posted  
Neighbour Notifications

#### **CONSULTEES:**

Director Of Health,Housing And Adult Services  
Hetton Town Council  
Copt Hill - Ward Councillor Consultation  
Network Management  
Copt Hill - Ward Councillor Consultation  
Environmental Health

Final Date for Receipt of Representations: **16.10.2014**

#### **REPRESENTATIONS:**

Representations

Neighbours

No representations have been received from local residents following the publicity of the application.

Consultees

Hetton Town Council  
Members have acknowledged the improvements to the old building will benefit the Town Centre. However concern has been expressed regarding traffic access/management and associated parking for the proposed use. Further clarification is therefore sought.

Executive Director of City Services (Network Management)  
The Executive Director of City Services (Network Management) has been consulted in connection with the application and provided the following initial comments;

Visibility should be maintained at the junction of Houghton Road and Caroline Street. A stopping up order may be required to enclose the footpaths to the frontage of the building.

Further clarification is sought in respect of parking spaces within the site, drop off and pick up provision within the site, the numbers of staff on site at any one time, the number of child places to be clarified when the nursery is operating at maximum capacity and servicing and delivery arrangements.

## **POLICIES:**

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

HA\_7\_Retention and improvement of Hetton Centre

S\_2\_Encouraging proposals which will enhance / regenerate defined existing centres.

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

T\_14\_Accessibility of new developments, need to avoid congestion and safety problems arising

T\_22\_Parking standards in new developments

## **COMMENTS:**

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

- 1) Principle of the development.
- 2) Impact on residential amenity
- 3) Siting layout and design
- 4) Highway issues.

### **1 Principle of Development**

When considering any application for planning permission it is particularly important to establish the acceptability of the principle of development. Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

As of 27 March 2012, the National Planning Policy Framework (NPPF) became a material consideration in the determination of planning applications and superseded a large number of previous planning policy guidance notes and statements. Paragraph 11 of the NPPF states that planning law requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 12 expands upon this and advises that the NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved.

Whether or not the development plan is up to date is a material consideration in determining how much weight should be attached to the relevant policies in the

development plan in light of other material considerations. In particular, Paragraph 214 of the NPPF states that where the relevant provisions of the development plan were not adopted in accordance with the provisions of the Planning and Compulsory Purchase Act 2004 (which is the case with the Council's Development Plan which was adopted in 1998), due weight should be given to the relevant policies of the plan according to their degree of consistency with the NPPF.

Paragraph 14 of the NPPF provides that in respect of decision making:-

- o development proposals that accord with the development plan should be approved without delay;
- o where the development plan is absent, silent or the relevant policies are out of date, planning permission should be granted unless:-
  - (i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF taken as a whole; or
  - (ii) specific policies in the NPPF indicate that development should be restricted.

The Council's Development Plan comprises the saved policies of the Development Plan which was approved in 1998, the UDP Alteration Number 2 (Central Sunderland) adopted in 2007 and the Regional Spatial Strategy.

The host site is situated within Hetton Shopping Centre, the extent of which is defined by the proposals map of the adopted Unitary Development Plan (UDP). As such, UDP policy HA7 is applicable, which aims to retain and improve this area as a local centre and specifies that uses which accord with policy S2 will be acceptable, namely shops (Class A1), financial and professional services (Class A2), food and drink (former Class A3), non-residential institutions (Class D1) and assembly and leisure (Class D2). The proposed use, being D1, is therefore considered to be compliant with the provisions of policies HA7 and S2. As such, the principle of utilising the building for the purposes of a day nursery is considered to be acceptable with regards to UDP policy.

## 2) Impact on residential amenity

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

Whilst some residential properties are located within the immediate area (the nearest, No.1 Houghton Road abuts the northern perimeter of the site), it is not considered that the nature of the use would generate a level of noise and disturbance as to be significantly detrimental to living conditions. The use would be carried out during normal working hours whilst the host building is located on a busy classified/commercial road in Hetton-le-Hole where there general background noise associated with vehicular and pedestrian movements will already be relatively high.

There are no physical works proposed that would adversely impact on levels of sun/daylight entering nearby properties whilst there are considered to be no

perceived privacy related concerns as a solid 2.3m high stone wall subdivides the northern curtilage of the host site from No. 1 Houghton Road.

In light of the above reasoning the proposal is considered to be acceptable without unduly impacting on the amenities of nearby properties. The development therefore accords with UDP policy B2.

### 3) Siting layout and design

Paragraph 56 of the NPPF identifies that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development is indivisible from good planning and should contribute positively to making places better for people. Paragraph 57 states the importance attached by Government to planning positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes. Furthermore, paragraph 64 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. The extent of the physical work to the host building is considered to be relatively minor with 10 new roof lights proposed within the western, eastern and northern planes. These works would have a largely negligible impact on the overall appearance of the host building and wider street scene.

Two new structures are to be positioned within the curtilage of the site. These include a metal storage container to the north-west and a bin storage area within the northern yard.

The metal storage container would be largely screened from Houghton Road by the existing bus stop, whilst the main building would substantially screen it from Caroline Street. The container whilst presenting a height of 2.5m would also be substantially screened from adjoining 1 Houghton Road due to the presence of the high stone wall to the north. The bin store would be of limited proportions and is to be finished in wood panelling. In this respect it is considered that the structure would be sympathetic to the character of the area.

The main visual impact of the proposed development is considered to be the change in the use and the resulting enclosure of the existing open forecourt to the front of the building. This land, whilst not classified as adopted highway has historically been utilised as a thoroughfare for pedestrians and as such as been advertised within the planning application as a stopping up of the highway.

Whilst forming part of the host buildings wider curtilage the land remains open and provides a pleasant raised grassed/planted area which offers good amenity to the wider street scene. In assessing the appropriateness of the proposed change of use and the associated boundary enclosure, it is important to consider the provisions of UDP policy B3. This policy states that 'public and private open space will be protected from development which would have a serious adverse effect on its amenity, recreational or nature conservation value; proposals will be considered in the light of their contribution to urban regeneration and to the importance of such space to the established character of the area'

The applicant is proposing to enclose this land to form one of two individual play areas for the nursery. The new boundary enclosure is to take the form of metal



railing which will replicate the existing railing found on the eastern and western sections of the sites curtilage. The railing would have a maximum height of 1.1m and would sit above the existing raised curtilage wall to provide an overall height of 1.55m. Due to the nature of the proposed use (a children's play area), the use of railing alone would not provide the level of privacy and security required. As such the application also proposes soft planting behind the railings to afford the additional protection. The extent of the land to be enclosed has been reduced slightly following comment received from the Council's Network Management Section in respect of maintaining appropriate visibility at the junction of Houghton Road and Caroline Street. An amended plan indicating the provision of the requested visibility splay has been received.

In assessing the proposal against policy B3 it is clear that the land does not function for the purposes of providing recreational space nor does it have any specific nature conservation value. Notwithstanding, it is considered that the land subject to the change of use does make a positive visual contribution to the established character of the area and that its enclosure would have an impact on the visual appearance of the land.

Whilst it is recognised that the enclosure would impact on the openness of the land, in line with the provisions of policy B3 such development must be considered to have a serious adverse effect on amenity. Unlike more solid forms of boundary treatment such as close board fencing or a high boundary wall, the form of the boundary enclosure proposed would not appear particularly intrusive or overbearing whilst the use of planting behind the railing would serve to soften the enclosure whilst retaining a reasonable level of greenery on this relatively busy junction.

On the basis of the proposal put forward it is considered that the change of use and subsequent enclosure of the land would have an appreciable impact on the openness of the land in question and that this impact would potentially introduce some limited visual harm into the existing street scene. Nonetheless, it is not considered that the overall level of harm identified would have such a serious adverse impact on visual amenity as to warrant the refusal of the application. Notwithstanding, it is considered that the overall success of the development will be heavily dependent on the quality of the landscaping proposed around the perimeter of the site and within the proposed play area. In this respect it will be necessary to attach a condition to the application to ensure that a high quality landscaping scheme is submitted to the Local Planning Authority for agreement in writing prior to works commencing.

In reaching this conclusion some material weight has also been given to the benefits of bringing a vacant and prominent building back into an appropriate and beneficial use within Hetton Town Centre.

In light of the above it is considered that the proposal would accord with the provisions of UDP policy B2 and the contents of aforementioned NPPF paragraphs 56 and 57.

#### 4) Highway issues

Policy T14 of the UDP aims to ensure that new developments are easily accessible to both vehicles and pedestrians, should not cause traffic problems, should make appropriate provision for safe access by vehicles and pedestrians

and indicate how parking requirements will be met. In addition, policy T22 seeks to ensure that the necessary levels of car parking provision will be provided.

The application proposes no in-curtilage parking for the use and clarification was initially sought by the City Councils Network Management Section as to where any associated parking and drop offs/pickups were to be accommodated. In addition the anticipated numbers of staff and child places were also requested for by the Engineers for clarification.

The applicant thereafter submitted a statement addressing the above matters and put forward the case that there are ample parking facilities in and around the building and that the use was likely to generate substantial footfall from staff and parents of the children who live within easy walking distance. It has also been put forward that the site lies within a sustainable location that is well served by public transport.

In respect of drop offs and pick-ups the applicant has stated that any parents who drop off by car will only be at the nursery for approximately 5-10 minutes and that drop offs and pickups will be staggered between 7.30am and 9.30am.

In response to the applicant's statement the Engineers have expressed some concern that no in-curtilage parking would be afforded to the new use and that any associated parking would put additional strain on surrounding street capacity. Nonetheless, they have on balance accepted the fact that the building is within a sustainable location and that the lack of in-curtilage parking provision would not be a determining factor in the overall acceptability of the scheme.

Notwithstanding the above, the Engineers have acknowledged that the very nature of a nursery will generate a high degree of pick up/drop off vehicular activity in the immediate vicinity and experience has shown that parents more often place their convenience over that of others and accept the risk of receiving a Penalty Charge Notice (PCN). As such and in the absence of an adequate in-curtilage parking facility there remained concerns that the remaining footpath would give direct access to the premises, thereby making Caroline Street the most convenient location for pick up/drop off to occur. In this respect and despite the fact that existing parking restrictions exist on Caroline Street, the most likely scenario would be that vehicles would park half on/half off the footway to the detriment of pedestrian and junction safety.

In order to counter this potential scenario, the applicant has been requested to extend the existing pedestrian guard rail on the north western side of Caroline Street by approximately 20m. The applicant has confirmed agreement to this proposal and the any approval granted would be conditioned in this regard. These works would be undertaken by the Council at the applicant's expense.

In addition and in order to promote sustainable travel for members of staff, the applicant has been requested to prepare a robust travel plan for approval in writing by the Local Planning Authority. This again would be conditioned subject to the approval of the application.

In order to maintain visibility at the junction of Houghton Road and Caroline Street the applicant has also been requested to amend the site plan in order to provide an appropriate visibility splay. An appropriately amended plan was received 17.10.2014.

On the basis of the above reasoning and subject to the provision of the conditions outlined, the proposal is considered to accord with policies T14 and T22 of the adopted Unitary Development Plan.

## **Conclusion**

For the reasons set out above, the proposal is considered to represent an appropriate use within Hetton Shopping Centre without causing demonstrable harm to residential amenity. In addition it is not considered that the proposal would have a serious adverse impact on the established character of the area nor would it be detrimental to highway safety.

The proposal is therefore considered to be acceptable with due regard to the relevant national and local planning policy.

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

## **RECOMMENDATION: Approve**

### **Conditions:**

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

The existing and proposed floor plans received 14.05.2014 (Plan refs: H234, H234A and H234B)

The elevations as existing and proposed received 28.05.2014 (Plan refs: H234K, H234M, H234L and H234N)

The site plan as existing received 14.05.2014 and proposed as amended received 17.10.2014 (Plan ref: H234D and H234E)

The proposed roof plan received 28.05.2014 (Plan ref: H234R)

The bin store details received 27.05.2014 (Plan ref: H234G)

The perimeter wall and container details received 14.05.2014 (Plan ref H234F)

The location plan received 14.05.2014

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

- 3 Notwithstanding any indication of materials which may have been given in the application, no development shall take place until a schedule and/or samples of the materials and finishes to be used for the external surfaces

and boundary treatment has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details; in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.

- 4 The premises shall not be operated for the purposes hereby approved between the hours of 19:00 and 07:00 in order to protect the amenities of the area and to comply with policy B2 of the adopted Unitary Development Plan.
- 5 The public highway improvement works (namely the provision of the extended guard rail identified on drawing ...and dated...) shall be implemented in full prior to the development being brought into use, in the interests of highway safety and to accord with policy T14 of the Unitary Development Plan.
- 6 Prior to the commencement of the use hereby permitted a visibility splay shall be provided in full accordance with the details indicated on approved site plan H234 E. The splay shall thereafter be maintained at all times free from any obstruction exceeding 0.6 metres above the level of the adjacent highway carriageway. In the interests of highway safety and to accord with policy T14 of the UDP.
- 7 Prior to the commencement of use, a Travel Plan shall be prepared and submitted to the Local Planning Authority for agreement in writing. For the avoidance of doubt, the Travel Plan should demonstrate how the use of public transport will be encouraged and the use of private vehicles will be minimised for both staff and customers of the nursery. Thereafter the applicant and/ or occupier shall implement the Travel Plan and its effectiveness shall be monitored and reviewed for a period of not less than 5 years after completion of the development. The implementation, monitoring and review of Travel Plan are to ensure that the site is accessible by alternative modes of travel in accordance with policy T14 of the UDP.
- 8 Prior to the development being brought into use, full and precise details of all soft landscaping works shall be submitted to and approved in writing by the local planning authority. For the avoidance of doubt the submitted details shall include finished levels or contours; schedules of plants and trees, noting species, plant and tree sizes and proposed numbers and densities. Thereafter development shall be carried out in accordance with the approved landscaping details before the use hereby permitted begins and the approved landscaping shall be in place prior to the commencement of the use hereby permitted. In the interests of visual amenity and to comply with policy B2 of the UDP.
- 9 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be in the next planting season with others of similar size and species, unless the local

planning authority gives written approval of any variation. In the interests of visual amenity and to comply with policy B2 of the UDP.

**Reference No.:** 14/00136/FUL Full Application

**Proposal:** **Demolition of Nos. 24 - 28 Eppleton Estate and erection of 69no. 2 and 3 bedroom dwellings with associated works. Stopping up of highway and change of use to residential. (Amended description 04.02.14) (Updated ecological information received 19.02.14)**

**Location:** Land At Henry Street/Lindsay Street Hetton-le-Hole  
Houghton-le-Spring

**Ward:** Copt Hill

**Applicant:** Gleeson Developments Ltd.

**Date Valid:** 20 February 2014

**Target Date:** 22 May 2014

## **PROPOSAL:**

The development proposal seeks permission to erect 69 dwellings, comprising a mix of semi and detached dwellings. Access to the site will be taken directly off the existing adopted highway surrounding the site. The proposed dwellings will front onto Lindsay Street and Henry Street respectively. The application site, which is rectangular in shape, is approximately 1.59 hectares in size. The site has been largely cleared of housing, except for 5 dwellings in its south east corner. The land is currently grassland populated by semi mature trees.

The site is located on the eastern outskirts of the Houghton within an area consisting mainly of residential dwellings. The shopping street of Front Street is in relative close proximity. Immediately to the east is an area of reinstated land created as buffer between the residential area and Eppleton Quarry. To the north lies Rough Dean Burn, with an associated belt of broad-leaved woodland to both banks and immediately to the west of the site residential housing as far as the A182 Houghton Road. The site itself is bounded by public roads with further residential properties and gardens along all four sides of the site. A public road is located running through the centre of the site on a west - east axis, which divides the site into two areas of grassland.

In addition to the submission of detailed plans and elevations the planning application has been supported by the following suite of documents:

- Gas Assessment
- Geo Environmental Appraisal
- Design and Access Statement
- Parking Provision Statement
- Site Waste Management
- Construction Delivery Plan
- Affordable Housing Statement
- Sustainability Statement
- Demolition Statement
- Flood Risk Assessment
- Tree Report

- Statement of Community Involvement
- Planning Statement

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

Site Notice Posted  
Neighbour Notifications

#### **CONSULTEES:**

Natural England  
Network Management  
Copt Hill - Ward Councillor Consultation  
Environmental Health  
Environment Agency  
Northumbrian Water  
Hetton Town Council  
Nexus  
Force Planning And Police Architectural Liaison Officer  
Director Of Childrens Services  
Copt Hill - Ward Councillor Consultation  
Network Management  
Copt Hill - Ward Councillor Consultation  
Environmental Health  
Environment Agency  
Northumbrian Water  
Hetton Town Council  
Nexus  
Force Planning And Police Architectural Liaison Officer  
Director Of Childrens Services

Final Date for Receipt of Representations: **27.08.2014**

#### **REPRESENTATIONS:**

The application has been publicised by the City Council in accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order, 2010, that is, by:

- Site Notice
- Press Notice
- Neighbour Notification Letters

Following this extensive consultation exercise no letters of representation have been received from members of the public.

An email response was received from Cllr Derrick Smith requesting "for as many of the original trees on the site to be retained as possible".

## Nexus

Nexus have no objections to the development. Nexus noted that the site is in a fairly good location for public transport. The bus network stretches to Newcastle, Sunderland, South Shields, Hartlepool and other local areas. The 35 bus passes the site on Lindsay Street travelling between South Shields Town Centre and Low Moorsley, while an express bus services exist for residents on Henry Street, Church Street with a pedestrian walkway to Elmfield and Houghton Road. Nexus also noted that the bus stops along Houghton Road are well sheltered and benefit from routes to Newcastle Eldon Square and Hartlepool Marina. In addition, there are advisory traffic free paths and routes to the national cycle network from the development site, although Nexus considered these to be of a more recreational nature.

## Environment Agency

The Environment Agency confirmed that they have no objections to the development proposal. The submitted Flood Risk Assessment states that surface water will be attenuated and discharged to public sewers. The Environment Agency highlighted that it is the responsibility of Northumbrian Water to agree the drainage design and discharge rate.

In respect of foul sewage the Agency also advised the LPA to consult the Sewerage Undertaker (Northumbrian Water) in order to confirm that the sewerage and sewage disposal systems serving the development have sufficient capacity to accommodate the additional flows.

## Northumbrian Water

In making their response Northumbrian Water assessed the impact of the proposed development on their assets and the capacity in their network to accommodate and treat the anticipated flows arising from the development.

Northumbrian Water's response referred only to the fact that a public sewer and water main crosses the site, which in turn could be affected by the proposed development. As Northumbrian Water does not permit a building over or close to their apparatus, at the time of their response (7 February 2014) stated that will be contacting the developer directly to establish the exact location of their assets to ensure any necessary diversion, relocation or protection measures.

## Natural England

Natural England noted that the application site is in close proximity to the Hetton Bogs and Eppleton Grasslands Site of Special Scientific Interest (SSSI). Nevertheless, Natural England confirmed their satisfaction that should the proposed development be carried out in accordance with the details of the application submission then it is not considered that it will damage or destroy the interest features for which these sites have been notified. Natural England therefore confirmed that the SSSIs do not represent a constraint to determining the planning application.



## Environmental Health

A Construction Management Plan and a Demolition Statement have been submitted detailing the measures that will be put in place during the construction and demolition phases in order to minimise any disturbance from dust. Environmental Health confirmed their satisfaction that the submission has addressed how nuisance from the site will be minimised and therefore recommended that the development should be required to abide by these statements, should Members be minded to approve the application this can be imposed by condition.

In view of the close proximity of the proposed development to residential properties Environmental Health also advise that the applicant should make an application for prior consent in respect of work on construction sites under the Control of Pollution Act 1974, Section 61 to Public Protection & Regulatory Services. Similarly, should Members be minded to approve, this advice can be highlighted by way of an informative on the decision notice.

In any case Environmental Health also stated that on-site operations should not commence before 07:00 hrs and cease at or before 19:00 hrs Monday to Friday inclusive; and 07:30 and 14:00 hrs Saturdays. No works to be permitted to take place on Sundays and Bank Holidays, unless prior agreed and only in exceptional circumstances. Again, should Members be minded to approve the application, these hours of working can be incorporated as condition.

The application was also supported by a desk study and ground investigation in respect of land contamination considerations. The content of which have been considered by Environmental Health, who advise that a remediation and verification plan together with a revised Phase 2 assessment be provided for the site. Again, these can be included as standard land contamination conditions, should Members be minded to approve.

## **POLICIES:**

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

EN\_10\_Proposals for unallocated sites to be compatible with the neighbourhood  
B\_2\_Scale, massing layout and setting of new developments  
T\_14\_Accessibility of new developments, need to avoid congestion and safety problems arising  
EN\_12\_Conflicts between new development and flood risk / water resources  
EN\_5\_Protecting sensitive areas from new noise/vibration generating developments  
CN\_17\_Tree Preservation Orders and replacement of trees  
CN\_22\_Developments affecting protected wildlife species and habitats  
CN\_18\_Promotion of nature conservation (general)

## COMMENTS:

The key planning issues to consider in relation to this application are:

1. Planning Policy considerations
2. Highway considerations
3. Flood Risk considerations
4. Design and amenity considerations
5. Arboricultural and Ecological considerations
6. Section 106 and Viability

1. Planning Policy considerations

The NPPF was published on 27 March 2012. Paragraphs 2, 11, 12, 13 and 196 of the NPPF emphasise that planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. They confirm, also, that the NPPF is a material consideration in planning decisions.

Thus, the statutory starting point for consideration of planning applications is the development plan and development that accords with an up-to-date Local Plan should be permitted, unless material considerations indicate otherwise.

Paragraphs 7 and 8 of the NPPF explain that there are three dimensions to sustainable development - economic, social and environmental - and that these are mutually dependant, so that gains in each should be sought jointly and simultaneously.

Under the heading of "the presumption in favour of sustainable development", Paragraph 12 confirms that the NPPF "...does not change the statutory status of the development plan as the starting point for decision making". Thus, Paragraph 12 states that:

"...development that accords with an up-to-date local plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise".

Paragraph 14 of the NPPF then sets out the presumption in favour of sustainable development in more detail and says that it "...should be seen as a golden thread running through both plan-making and decision-taking".

For decision-taking this means, unless material considerations indicate otherwise:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
  - o any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
  - o specific policies in this Framework indicate development should be restricted.

Thus, if an application accords with the development plan, the provisions of Paragraph 14 of the NPPF suggest that it should be permitted without delay, unless material considerations indicate otherwise. Conversely, it is clear that applications which do not accord with an up-to-date development plan should be refused, unless material considerations indicate otherwise. The second decision-taking bullet point in Paragraph 14 of the NPPF only comes into force if the development plan is "...absent, silent or relevant policies are out-of-date".

The development plan for this part of Sunderland comprises the saved policies of the City of Sunderland Unitary Development Plan (UDP), adopted in 1998. The Area Proposals map of the UDP earmarks the entirety of this brownfield site via policy EN10, which requires proposals for new development to be compatible with the principal use of the neighbourhood. Moreover, a further indication of the acceptability of the site for housing is that it is also identified in the Council's 2013 Sunderland Housing Land Availability Assessment (SHLAA) as being deliverable within 5 years.

It should also be noted that the site is in the Hetton Downs Area Action Plan, although it is important to note that this Development Plan Document (DPD) only ever reached the Preferred Options stage and was not formally adopted. Nevertheless, in light of the fact that it benefitted from public consultation it carries some weight in decision-making terms. In view of this it is also noted that the majority of the application site was earmarked for housing development. However, it was also suggested that part of the current application site could provide an opportunity for the creation of a multi-use and multi-age play park. The delivery of which would have to be private sector led, with funding from developer contributions.

However, and as will be discussed in further detail later in this report, the viability of the current scheme is such that developer contributions would make the scheme undeliverable, thereby threatening the wider regeneration benefits that new housing development would bring to the area, which after all was the main driver behind the Area Action Plan. Furthermore, and as noted in the applicant's Planning Statement, Paragraph 49 of the NPPF states that "Housing applications should be considered in the context of the presumption in favour of sustainable development". It is therefore considered that more weight should be given to the adopted UDP policy and the housing paragraphs of the NPPF.

In conclusion, as the planning application involves residential development in a residential area the proposed development is considered acceptable in principle, given that it is in accordance with the main land use policy (EN10) associated with the site.

## 2. Highway considerations

UDP policy T14 requires new development to be readily accessible by pedestrians and cyclists, while development proposals should not cause traffic congestion or highway safety problems and make appropriate safe provision for access and egress.

Sections of the adopted highway (e.g. Henry Street cul-de-sac) are required to be Stopped Up in order to make way for the development. A Stopping Up order under Section 247 of The Town & Country Planning Act (1990) is therefore required. Network Management (Streetscene) note that the applicant has applied

directly to the Department for Transport for the Stopping Up, courtesy of the new provisions afforded by the Growth and Infrastructure Act (2013). Reference to the Stopping Up has been made in the planning application's description.

Streetscene also noted that the un-adopted turning head on Collingwood Street is to be removed and concern was expressed that its removal would inhibit the ability of vehicles to arrive and leave in forward gear, particular reference was made to refuse vehicles. Members should note that the retention of the un-adopted turning facility would require the deletion of 5 properties from the scheme. Furthermore, only 5 properties (No's 22 - 26 Lindsay Street) use Collingwood Street to access the rear of their premises, with the closest property, No. 22, being over 15m away from the turning facility. In addition, the proposed development will not impact on the existing width of Collingwood Street, which will remain at 4.5m. The applicant has also responded by highlighting that bin collections can also take place from the fronts of No's 22 - 26 Lindsay Street as well as the fronts of those being proposed by the planning application.

Colleagues in Streetscene also noted that the existing footways around the perimeter of the site are substandard in their widths. In particular, the footway on Lindsay Street varies between 1.5m and 1.7m. To comply with Manual for Streets guidance, and to achieve suitable visibility for vehicles emerging from driveways, the footways on Lindsay Street and Henry Street should be widened and resurfaced. The alteration/ improvement works would involve a Section 278 Agreement. However, the widths of the proposed footways are still being considered and it is anticipated that an agreed solution will be reached in advance of a Supplement Report.

The development proposal provides each property with at least one in-curtilage parking space while providing 17 visitor parking bays. Streetscene considers this level of parking provision as being acceptable.

In conclusion, and as observed by Nexus in their response to the planning submission, it is considered that the application site is well served by public transport. It is also considered that the level of parking being provided, both in terms of in-curtilage and visitor bays, is acceptable. It is anticipated that the issue of footway widths will be resolved in advance of a Supplement Report, thereby enabling a recommendation that the application is on balance acceptable in respect of highway engineering considerations and in accordance policy T14 of the UDP.

### 3. Flood Risk considerations

UDP policy EN12 stipulates that in assessing proposals for development, the Council, in conjunction with the Environment Agency and other interested parties, will seek to ensure that the proposal would not be likely to impede materially the flow of flood water, or increase flooding elsewhere, or increase the number of people or properties at risk from flooding and not adversely affect the quality or availability of ground or surface water, including rivers and other waters.

A Flood Risk Assessment (FRA) was submitted as part of the planning application. The NPPF requires an appropriate assessment to be made of any flood risks relating to proposed developments. The aim of the assessment is to ensure that the development is not at risk from flooding and does not increase flood risk elsewhere.

The FRA has confirmed that the development site lies within Flood Zone 1, which has the lowest probability of flooding and as such residential development is considered acceptable in such areas. However, the Local Planning Authority (LPA) on noting that the site was located within a Critical Drainage Area (CDA) requested that an amended FRA be submitted to consider this aspect of the development site. As a consequence, an additional FRA was submitted. This FRA has confirmed that the site is located within the upper part of the catchment of the Houghton & Hetton CDA. The FRA has also noted that in the Council's Strategic Flood Risk Assessment fluvial flooding is concentrated on Greenfield land in the downstream section of this catchment and is therefore not an issue for this site.

Furthermore, the FRA has also highlighted the fact that the site is classed as brownfield in that it was previously occupied by housing. The impermeable area associated with the former housing was approximately 0.45 hectares, which had a peak discharge rate calculated at 116 litres/ second. Northumbrian Water sewer records show small diameter combined sewers that served the previous dwellings.

A Pre-Development Enquiry (PDE) was submitted by the applicant to Northumbrian Water to determine if the adjacent system could accept foul and surface water discharges. Northumbrian Water in their response confirmed that a surface water discharge of 45 litres/ second would be accepted into the existing surface water system at a manhole in Byer Street to the north. A copy of Northumbrian Water's PDE response was attached to the FRA as an appendix. This discharge rate is significantly less than the 116 litres/ second peak discharge of the previous housing and as such flow attenuation will be required within the proposed development to store flows above this permitted discharge.

Therefore, flow attenuation of approximately 25 cubic metres will be provided as oversized pipes. This will ensure that the surface water sewer system will not flood any part of the site during a rainfall event with a return period of 1 in 30 years. Furthermore, in order to adapt to the effects of climate change it will be designed to allow for a 20% increase in rainfall depths. Flood waters from rainfall events up to 1 in 100 years will be retained on site where possible by ground profiling and overland flow routes. By restricting the surface water discharge this will ensure that there will be no increased flood risk to downstream properties. Furthermore, to reduce the risk to water quality, shared drives and parking areas will be made up of permeable crushed aggregate to allow for infiltration, whilst the adoptable highways will be drained via trapped road gullies, thereby retaining pollutants from leaching onto the roads.

It is therefore considered that the planning application submission has satisfactorily demonstrated the acceptability of the development proposal in respect of flood risk considerations and is acceptable, in accordance policy EN12 of the UDP.

#### 4. Design and amenity considerations

Unitary Development Plan (UDP) policy B2 requires the scale, massing, layout and setting of proposed development to respect and enhance the best qualities of nearby properties and the locality. Policy B2 also requires development proposals to provide for an acceptable amount of privacy amenity, whilst also

protecting visual and residential amenity. Paragraph 17 of the NPPF, in part, states that planning should seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

The site is elongated and rectangular and in conjunction with the presence of existing residential dwellings around the site has dictated the layout of the proposed development. Consequently, the proposed dwellings will face outward toward Henry Street, Lindsay Street and Downs Lane respectively; a layout which is considered acceptable and one which will help to assimilate the development with the wider residential area. The development will consist of 11 no. 2 bed units with the remaining 58 comprising 3 beds. Furthermore, 29 of the 69 dwellings will be detached and the remaining 40 will be semi-detached.

Colleagues in the LPA's Urban Design team considered the development proposal and welcomed the perimeter block approach that was being adopted. However, issues were raised in respect of the corner plots and requested that dual frontages or additional detailing be considered in respect of their elevations, thereby adding further interest to the appearance of the development overall. Following this consultation response the applicant reviewed the site layout and submitted amended plans that now incorporate corner units with double frontages complete with additional detailing.

Urban Design colleagues also remarked on the relationship of the development with Collingwood Street and due to the proposed rear boundary treatments comments were made in respect of natural surveillance. However, and as discussed in the highway considerations section of this report, Collingwood Street provides for rear access to existing properties in Lindsay Street, which are also elevated in relation to the road, thereby already providing for a reasonable degree of natural surveillance. It is therefore not considered that the relationship of the development towards Collingwood Street is of such material detriment so as to warrant an amendment to the scheme or a refusal of permission, especially given the physical limitations set by the rectangular nature of the site.

Urban Design also noted a small parcel of land to the north of plot 69, which is to the south of No. 22 Lindsay Street. Design colleagues queried the future use of the land in order to ascertain if any activation from the development was required. The applicant has confirmed that this parcel of land is not in their ownership and as such does not form part of the development proposal. More pertinently, it is also noted that No. 22 already has windows facing onto this area of land, and therefore a degree of interaction is already provided for by the existing property. Furthermore, in light of these existing windows it is also important to ensure that the amenity of this property is not impacted by the introduction of side windows into plot 69. As a consequence the relationship of the development proposal to this area of land is considered acceptable.

Moving onto the residential amenity considerations of the development overall, it is considered that the level of amenity being afforded to existing and future occupants has been satisfactorily considered. The majority of the plots within the development benefit from good sized rear garden areas, along with reasonable front garden spaces.

Regarding the impact on existing residents in Lindsay Street the applicant has, at the request of the LPA, moved the plots further back into the development in order to account for the gradient differences that exist i.e. land falls in an east

(Lindsay Street) to west (application site) direction. The interfacing distances achieved vary from a minimum 22.5m to 25.5m i.e. where existing properties interact with proposed plots. Furthermore, the residential amenity impact of the development on Lindsay Street is further off-set by the fact that the existing properties are elevated in relation to the application site and will therefore not be overlooked. Nevertheless, in view of the gradients outside and within the application site it is considered necessary to agree finished floor levels prior to the commencement of development, should Members be minded to approve the application.

Regarding the impact of the development on the existing properties to the south of the site, it is noted that there are existing side elevation windows serving No. 2 High Downs Square. The side of this property faces towards the side elevation of Plot 38. The interfacing distance between the existing (single storey) and proposed (two-storey) elevations is 8m. Where there is a primary window facing a secondary or blank elevation the Council's local planning guidance requires a spacing of 14m. However, and although it is noted that the side elevation of No. 2 contains two windows, it is also noted that one of these is only a single pane and obscurely glazed. Consequently, this is not considered to be a primary window and as such the 8m spacing distance is more than adequate in the context of ensuring adequate residential amenity.

Regarding the second window, it is noted that this double paned. It was not possible to ascertain the exact nature of the room on site as at the time of the site visits the blinds were drawn. As a consequence this window has been viewed as a primary window to ensure a worse-case scenario. In this context the 8m interfacing distance is therefore noted. However the location of this window is towards the rear of the side elevation of property and is such that it faces directly towards the proposed rear garden of Plot 38. This therefore ensures that the impact of the development on this existing property will not be materially impacted as there are no significant built structures within the window's line of sight.

Regarding the residential amenity considerations of the development proposal on Low Downs Lane, No's 3 - 6 High Downs Lane and Blossom Street, it is considered that the orientation and spacing of the proposal to the existing properties is such that the required spacing standards are either complied with or there are no interfacing relationships which need to be considered in view of the significant distances that exist.

It is also noted that running parallel to the site on Henry Street there is a rectangular area of grassland in place of what was once No's 1 - 45 Henry Street. These properties were demolished by Health, Housing and Adult Services in 2009 (ref. 09/03083/DEM). It is noted that the proposed residential dwellings face towards this site and as such, if built, would have interfacing relationships should any future development come forward on the site. Nevertheless, there are no proposals to consider at this present time whilst any future development of that site would have to demonstrate an acceptable scheme in respect of the surrounding area. It is considered that the development which is being proposed does not unnecessarily or unreasonably impact on the future ability of the former No's 1 - 45 Henry Street site from being developed in the future. Indeed the existing properties to the south of what was No's 1 - 45 Henry Street appear to have been designed around squares and parking courts, presumably in part, to cater for the implications of what was the linear terrace of colliery properties. In

conclusion, the potential for the future development of the site of former No's 1 - 45 Henry Street has been duly considered in the assessment of this application.

It is considered that given the rectangular nature of the application site, thereby limiting the layout of development on the application site to a perimeter block form, in conjunction with the distances that are achieved within and outwith of the site, the development proposed is acceptable in respect of design and amenity considerations, in accordance with UDP policy B2 and Paragraph 17 of the NPPF.

## 5. Arboricultural and Ecological considerations

Paragraphs 109 and 118 of the NPPF state that local authorities should minimise impacts on biodiversity and provide net gains in biodiversity where possible. Paragraph 111 of the NPPF also encourages the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value. UDP policy CN17 requires the retention of trees in all new development where possible whilst policy CN22 states that development which would adversely affect any animal or plant species afforded special protection will not be permitted.

### Arboriculture

A tree survey of the site was undertaken in January 2014 and submitted as part of the planning application. The tree survey report confirmed that all of the trees on site are to be removed in order to achieve the required site and layout levels. Given the number of trees to be removed on site the case officer queried this aspect of the development during the initial stages of the planning application submission.

Following this query the applicant responded by re-iterated the findings of the submitted tree survey i.e. all of the trees are of no more than very limited or low conservation status or of cultural benefit (Class C2), with some of the trees being in such a condition that any existing value would be lost within 10 years and which should in the current context be removed for sound arboricultural reasons (Class U). The applicant also detailed further the significant difficulties involved in retaining the existing trees within the development due to the extent of regarding of the land and due to the requirement to improve the sewage system i.e. new sewers are required in the rear garden areas running through all of the plots. This level of ground disturbance would significantly impact on the survivability of the trees during and post construction. Therefore, in light of these practical considerations and as part of the applicant's response, the site layout has been revisited and additional trees have been introduced by way of mitigation via an amended landscaping scheme. The LPA's Ecologist has welcomed the addition of larger tree specimens in the proposed landscaping scheme.

It is considered that on balance the loss of the trees on site is acceptable in this instance. It is recognised that the application site does have a varied topography which necessitates the significant re-grading of the land in order to develop the dwellings and their corresponding garden areas, and as has been discussed above in the flood risk section of this report, a new sewer system will run through the entire middle of the site.



## Ecology

A Pre-liminary Ecological Appraisal was undertaken in March this year and submitted in support of the planning application. The aim of the Appraisal was to determine the actual or likely presence of bats. The Appraisal's report confirmed that the presence of roosting bats within the roof structure or upper walls of existing properties on the site could not ruled out. Consequently, it was necessary for the applicant to undertake a full bat survey assessment.

Common pipistrelle bats were recorded foraging in the area, and a single Natterer's bat was recorded flying past the buildings in the May survey. However, the bat surveys found no sign of bats or the potential for roost sites in the exterior walls or at the wall tops/ loft spaces of the houses on site. The lack of any deep crevices means that it is considered very unlikely that bats could roost beneath them. The loft spaces were also assessed as being unsuitable for bat use due to the poor state of the roofs and the high light levels during daylight hours. It is therefore considered that there is a low risk of the demolition of the buildings having any impact on bats as there is no evidence of bat use and because of the lack of potential roost sites for any species of bat.

Nevertheless, in line with good conservation practice, the report highlighted that the development will put in place measures to protect the conservation status of bats in the area. This will include careful working practices, careful removal of window and door frames and careful removal of roofing materials before demolition.

When considering the ecological submission the LPA's Ecologist noted that the submitted survey did not appear to include 23 Eppleton Estate i.e. the existing and currently inhabited property immediately adjacent to the application site which, in the event that Members are minded to approve, will remain post development. The LPA's Ecologist recommended that the assessment and proposed method statement should take account of this property. As a consequence the applicant submitted an amended Bat Survey Results & Risk Assessment report in early October. This report confirmed that Number 23 had recently been re-roofed, including new soffits and rainwater down pipes. The report also noted that the property is occupied and heated and as such it was considered to have a very low risk of supporting roosting bats.

The LPA's Ecologist having assessed the full suite of documentation in respect of ecology, which also incorporated the trees present on site, concludes that it has confirmed that from an ecological perspective development can proceed subject to the delivery of the recommendations and method statement provided in the report. In addition, the LPA's Ecologist has requested that should demolition of the buildings be delayed a further ecological risk assessment should be submitted for the LPA's approval prior demolition. Furthermore, the development proposal must include measures to replace and enhance habitats and connectivity for locally significant species, in particular bats and birds. It is therefore considered that in the event that Members are minded to approve then these requirements should be incorporated by way of conditions.

In conclusion, it is noted that development of this brownfield site will result in the loss of all the trees on the site. However, the practical implications of developing the site are noted while the trees themselves have been categorised as having limited conservation or cultural significance. Furthermore, it is considered that

greater weight should be given to the housing Paragraphs (47 & 49) of the NPPF and the fact that the development proposal will assist in the regeneration of the wider Hetton Downs area. The planning submission has also detailed an appropriate understanding of the ecological implications of the development and subject to the conditions suggested above the application is considered to be acceptable and in accordance with UDP policies CN17, CN18 and CN22 and Paragraphs 109, 111 and 118 of the NPPF.

#### 6. Section 106 and Viability

Paragraph 204 of the NPPF states that planning obligations should only be sought where they meet all of the following tests:-

- (a) they are necessary to make the development acceptable in planning terms;
- (b) they are directly related to the proposed development;
- (c) they are fairly and reasonably related in scale and kind to the development proposal.

Paragraph 173 also states that in pursuing sustainable development careful attention will be required toward viability and costs in decision-taking. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, infrastructure contributions or other requirements should, when taking into account the normal cost of development and mitigation, provide competitive returns to a willing land owner/ developer and enable the development to be deliverable. More specifically, paragraph 205 requires the Council to take viability and market conditions into account when assessing Section 106 requirements and to be sufficiently flexible, wherever possible, in order to prevent proposed development from being stalled.

##### i) Education

Colleagues in Education and Lifelong Learning were consulted as part of the planning application consultation process. In response Education explained that when looking at the application in isolation the increase in participation could be accommodated in the local school system. However, and notwithstanding the need to carefully consider point (b) of Paragraph 204 (please see above), Education also caveated that when looking at the cumulative impact of recent permissions e.g. the former Broomhill Estate (ref. 12/03140/FUL & 12/03142/FUL), it was then considered likely that additional capacity in the area may be required to meet potential demand. As a consequence using Education's standardised methodology it was calculated that 9 additional primary school children would be introduced into the area. Using the Sunderland weighted Department for Education cost of educating a primary school child (£11,889) the total figure equated to £107,001.

##### ii) Affordable Housing

UDP policy H16 requires the Council to negotiate with developers, on the basis of site suitability, for elements of affordable housing to be provided on major new housing sites of 50 dwellings or more. Furthermore, the Strategic Housing Market Assessment (SHMA) and recent Economic Viability of Affordable Housing Requirement Study identify a need for 10% affordable dwellings on housing

development sites at a 75% social rented/ 25% intermediate split. This therefore equates to 7 affordable properties.

iii) Open Space/ equipped children's play space

As the scheme proposes over 10 dwellings with 2 bedrooms or more policy H21 requires the provision of formal equipped children's play space. In-lieu of on-site provision a financial contribution for off-site play would need to be considered, at a current rate of £701 for each two bed unit i.e. £48,369.

- Viability Assessment

A Viability Assessment accompanies those planning applications where gaps occur between what a LPA requests in financial obligations and what the applicant considers the development is capable of supporting financially. The significance of viability has increased during the economic downturn as the delivery of new development has been stalled or threatened.

The applicant, in anticipation that affordable housing would be a material consideration, submitted an Affordable Housing Statement explaining that the inclusion of affordable homes on the site would seriously threaten the viability of developing this "difficult brownfield site in such a way that it would not be developed without significant grant support, or the land value would fall way below market value". The statement then explained that a residual valuation appraisal would be submitted in order to confirm that the provision of affordable housing would render the scheme unviable.

A Viability Appraisal was subsequently submitted to the LPA for consideration. As a consequence, and in order to objectively consider this part of the planning submission the Council's Property Services section was requested to assess the submitted documentation.

Colleagues in Property Services have confirmed that the applicant has provided a reasonable and comprehensive breakdown of costs. In view of the site being brownfield in nature it is considered that there are a number of abnormal items to consider in developing the site e.g. re-grading, deep foundations and off site services works. The costs have been reviewed by Property Services and are not considered to present any areas of concern. Further to the assessment of the applicant's viability appraisal Property Services also undertook their own sensitivity analysis/ testing using site abnormals, developer profit, Gross Development Value and cost as variables. In conclusion, it is considered that the proposed development would not be feasible when factoring in the costs of meeting the requested Section 106 obligations. In light of this assessment it is therefore important to consider the Section 106 requests in order to ascertain whether these in their own right merit a refusal of planning permission.

In this regard it is considered relevant to note that Education considers the local school system as being capable of accommodating the increase of primary school children that has been calculated as being brought about by the development. This aspect of Education's response is particularly relevant when considering point (b) of Paragraph 204, which requires that planning obligations should only be sought where they are directly related to the proposed development and as such is considered to undermine the significance in terms of weight in attributing it towards a refusal of planning permission. Especially in light

of the independent assessment of the applicant's viability appraisal concurring with its findings and given the need for decision-makers to consider Paragraphs 173 and 205 of the NPPF.

In respect of affordable housing the applicant's affordable housing statement considers that affordability of housing is not the housing issue in Hetton, asserting that a number of properties are available at values below £60,000. Furthermore, the applicant considers that tenure balance is more of an acute issue in view of the social and private rented properties within the area. As such the provision of owner occupied housing will contribute to a rebalancing of housing tenure within the area. The Statement also highlights the fact that the applicant's business model is one rooted in the provision of low cost private sale housing, particularly first time buyers, and in light of this company ethos have, as part of their package, long term saving schemes that are open to prospective customers, especially those who have an appropriate income but no deposit.

Regarding the provision of off-site children's play in-lieu of on-site play, it is noted that Hetton Lyons Country Park is within 0.5km of the site, and it is also noted that Nexus consider the site to be well served by recreational cycle routes. Furthermore the Council's Draft Sunderland Greenspace Audit and Report (2012), which supports the emerging Core Strategy, considers Hetton Downs as being an area of the City which has a good provision of outdoor play provision.

In conclusion, and as required by Paragraphs 173 and 205 of the NPPF, each Section 106 request has been considered in respect of the whether the scheme can viably meet the obligation which has been requested. The submitted viability assessment has been independently verified by the Council's Property Services section who have concurred with its findings i.e. the scheme cannot meet the policy burdens being placed on it. It has therefore been necessary to consider whether the inability of the development to provide the necessary contributions warrants a refusal of planning permission.

In this regard it is noted that on a site-specific basis the local school system could accept the additional school children being brought about through the development; that the scheme would provide low cost private sale housing; and that the area has at present a good provision of outdoor play space. These particular aspects of the development are considered to be brought more sharply into focus when considering the implications of Paragraph 49, with its requirement to consider any housing applications with a presumption in favour of sustainable development, and Paragraphs 173 & 205, which requires decision-takers to consider viability in the decision-making.

It is therefore considered that greater weight should be attached to the fact that the development proposal will regenerate this brownfield site in an area of the city which has long been earmarked for regeneration e.g. as highlighted by the Hetton Downs Area Action Plan. Consequently, on balance, it is considered that more weight should be attributed to the regeneration aspect of the development and that the lack of Section 106 contributions is not considered significant enough to warrant a refusal of planning permission.

## **CONCLUSION**

This report has considered all relevant material considerations associated with the scheme and it is considered that when assessing the development against

the UDP and NPPF, when both are taken as a whole, is acceptable in respect of their policies and provisions. In summary, it is considered that the development proposal represents sustainable development. The site is afforded by excellent public transport links whilst the proposal includes significant regenerative benefits for an area of the City which has long been earmarked for regeneration.

However, as discussed in the highway considerations section of the report further consideration is being given to the footway widths that will surround the site, particularly on Lindsay Street and Henry Street. Nevertheless, it is envisaged that a Supplement Report will be prepared for Members recommending an approval of permission subject to conditions.

**RECOMMENDATION: Deputy Chief Executive to Report**

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**Reference No.:** 14/01452/FUL Full Application

**Proposal:** **Erection of 5 no. detached executive dwellings, to include creation of associated vehicular access onto Parkway.**

**Location:** Garden of 3 Buckland Close Biddick Washington NE38 7HG

**Ward:** Washington Central

**Applicant:** Mrs Denise Codona

**Date Valid:** 4 September 2014

**Target Date:** 30 October 2014

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### **PROPOSAL:**

The site to which the application relates is the garden area of an existing detached residential dwelling, number 3 Buckland Close, Biddick.

The application site extends to a total area of 5,792 square metres and with the exception of the land occupied by the existing dwelling is predominantly grassed with undulating site levels and an area of hardstanding by way of a former tennis court located relatively centrally within the rear garden. A row of trees stand along the southern boundary of the site and a number of these are afforded protection by virtue of Tree Preservation Order 47 (TPO47).

The dwelling and its garden stand adjacent to Parkway and is enclosed from this road by way of a close boarded timber fence. The site to which the application relates also includes a strip of land (verge) between the existing boundary fence and the back of the pedestrian footway of Parkway which is not presently enclosed into the curtilage of the property but has been declared as being within the ownership of the applicant.

The area immediately surrounding the application site is predominantly residential in character with a mix of house types in evidence including: detached dwellings on spacious plots in Buckland Close; detached dwellings on smaller plots in Cooks Wood, Whitby Drive and Shap Close; bungalows in Glastonbury and higher density properties in Kirkham and Fountains Close.

Planning permission is sought for the erection of five detached executive dwellings and the creation of an associated new vehicular access from Parkway.

Members may recall that an application was submitted in September 2013 seeking consent for the erection of eight executive dwellings in the garden of 3 Buckland Close. Members visited the site on 25 October 2013. During the consideration of this application, the number of houses proposed was reduced to seven. This application was withdrawn by the agent on 12 February 2014 prior to it being presented to the Sub-Committee for consideration.

The proposed dwellings would be sited around the proposed new access road and turning head. The arrangement of the proposed dwellings would be as follows:

- o Plots 1-3 along the southern boundary of the site adjacent to Whitby Drive and Shap Close;
- o Plot 4 located close to the rear elevation of the existing dwelling on the site
- o 3 Buckland Close; and
- o Plot 5 at the northern boundary of the site adjacent to Parkway.

The properties are varied in terms of design and appearance although all comprise two storey properties. Each plot would benefit from individual in-curtilage car parking by way of driveways and garages.

An arboricultural survey accompanies the application and this indicates that it would be possible to erect the proposed new dwellings without loss of or damage to protected trees on the site, although the survey did recommend the removal of two of the existing trees (numbers T20 and T45) due to defects, in the interests of good arboricultural management. The application is accompanied by a proposed landscaping plan showing the planting scheme proposed to be implemented in association with the development of the site.

This application would normally have been determined under the Council's Scheme of Delegation, but has been referred to the Sub-Committee for determination at the request of Councillor Williams.

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

Site Notice Posted  
Neighbour Notifications

#### **CONSULTEES:**

Nexus  
Network Management  
Washington Central - Ward Councillor Consultation  
Environmental Health  
Northumbrian Water  
County Archaeologist

Final Date for Receipt of Representations: **03.10.2014**

#### **REPRESENTATIONS:**

Neighbours

19 letters of objection have been received to the proposal from the occupiers of 1, 2, 4, 4A, 6 and 7 Buckland Close, 2 Cooks Wood, 1, 4, 5 and 6 Glastonbury, 1 and 14 Shap Close, 4, 6, 28, 29 and 30 Whitby Drive and North Biddick Lodge. In addition, a petition has been received signed by 77 residents, representing 46 different properties, in objection to the proposal.

The reasons for objection are as follow:

## Design and Amenity Considerations

- o The proposal represents an overdevelopment of the site. The submitted section drawings illustrate this overdevelopment;
- o The National Planning Policy Framework makes no specific reference to acceptability of building in residential gardens, but sets the basis for Local Authorities to include policies in emerging plans to resist inappropriate development of residential gardens. It encourages Authorities to resist this form of development should it be deemed to cause harm to the local area. A presumption is set for developing brownfield land in preference to green field land. The designation of gardens was changed in 2010 and gardens are no longer classed as previously developed land in an effort to afford Planning Authorities more power to restrict inappropriate backland development;
- o Saved UDP policies H4 and H22 are relevant. H4 seeks to ensure that housing development should reflect the density of the locality, consistent with protecting and enhancing the character of the area, whilst policy H22 states that new development in the curtilage of an existing house will only be acceptable if it is not detrimental to amenity and character. These policies are saved and still current;
- o The draft Core Strategy acknowledges a shortage of executive style dwellings in the region. Policy CS4.3 states that there is support for low density executive dwellings, however policy DM4.8 states that backland proposals, detrimental to amenity and layouts which do not maintain character should be resisted. This policy affords with the NPPF and affords part of the Revised Preferred Options document and as such, it should be afforded some weight in connection with this application;
- o Taking into account relevant policy, the proposed development is not in accordance with existing or emerging planning policy. The Design and Access Statement states that the area covered in the red line boundary is 0.31ha. As the proposal relates to five units, this gives a proposed density of 16.1 dwellings per hectare;
- o Saved policies H4 and H22 state that new development must reflect local density and should not be detrimental to amenity or character. The nearest pockets of executive housing to the site are Buckland Close and Whitby Drive/Shap Close. Buckland Close comprises eight dwellings on approximately 1.56ha which is a density of 5.1 dwellings per hectare. Whitby Drive/Shap Close have a combined total of 40 dwellings on approximately 4.82ha representing a density of 8.33 dwellings per hectare. Given that the proposed density is much higher than these figures, it represents overdevelopment and would not be in keeping with the locality;
- o Glastonbury has a much higher density, but as bungalows, these are significantly different to the form of development proposed by this application. As the application is for five executive dwellings, to meet policies H4 and H22, it should be aimed at reflecting the executive nature of Buckland Close, Whitby Drive and Shap Close in property size, density and amenity space. This is not the case and the proposal therefore conflicts with policies H4 and H22;
- o The Planning Policy Team has advised of fundamental concerns about the scheme as the proposal does not reflect the characteristics, design ethos and scale of the existing dwellings in



- the area and were not considered to be of high enough quality to be in keeping with existing dwellings;
- o The proposal does not constitute executive development and will have a detrimental impact on executive housing in the area contrary to UDP policy H22 and emerging policy CS4.3;
- o Regard should be had to the Sunderland Strategic Housing Land Availability Assessment (SHLAA) as updated in April 2013. The application site (reference 521) has been identified in the SHLAA as suitable for housing and developable in 1-5 years with a capacity of two dwellings. There is no justification for a proposal of five dwellings where the Planning Policy Team has carried out a recent review and identified the site as suitable for only two dwellings;
- o To be in keeping with the executive housing in the surrounding area, each property should have a greater amount of land to allow for space for parking etc reducing the amount of housing proposed;
- o The development will not constitute executive development as although the proposed number of dwellings has been reduced, so has the size of the site which is to be built upon;
- o Comments from the Council's Urban Design Team in connection with the previous application suggest that there should be no adverse impact on amenities of surrounding properties by way of overlooking or overshadowing. Two houses are proposed adjacent to Parkway and would have direct views into two existing houses, including 1 Glastonbury;
- o Previous proposals for apartments and housing on the site have been refused;
- o The application appears to differ from previous submissions only insofar as it would leave a building plot to be developed at a later date;
- o Policies on garden grabbing and backland development seek to ensure that development should not cause significant damage to trees.
- o Bungalows including 28 Whitby Drive will be overshadowed and overlooked. This would spoil the occupiers' view and privacy, as well as devaluing the house and land;
- o The adjacent property, 14 Shap Close will be overlooked on higher ground to the side as trees and shrubs may be lost as a result of the wall proposed around the site;
- o The proposals show very limited amenity spaces afforded to each property, in particular plot 5 and would detract from the aim of attracting and retaining the type of resident who would occupy executive homes in the area;
- o Residents lost their views when the trees were removed;

#### Arboricultural Considerations

- o The existing tree belt would result in overshadowing of plots 1 and 2 to the detriment of amenity of occupiers of these properties;
- o The arboricultural amenity of the area is an important characteristic and as such the arboricultural and landscaping proposals need to be carefully scrutinised in order to prevent threat to existing trees and ecology;
- o Concern remains from the previous application in that situations would arise where dwellings would be erected in close proximity to

- trees causing shading to habitable rooms. Removal of trees would have a severe and immediate detrimental impact to the locality and will have effects on local ecology. Trees along the southern boundary are covered by a Tree Preservation Order;
- o Arboricultural advice received in connection with the previous application has not been fully adhered to. This recommended that all elements of the proposal should be outside of the root protection areas of all trees on the site and that any scheme should be designed so as to ensure that living conditions of the residents should not be unduly affected by the trees on the site;
  - o The submitted arboricultural report states that the proposed development will encroach into the root protection areas of five trees. Given the nature and location of the site and the importance of the trees, it should be ensured that there is no encroachment of any kind into the root protection areas;
  - o The previous removal of trees afforded protection by Tree Preservation Order 47 has not been compensated for;
  - o No action has been pursued against the applicant following the removal of the protected trees and it is now two years since they were removed;
  - o The Tree Replacement Notice issues pursuant to Section 207 of the Town and Country Planning Act should be actioned in the near future or alternatively action should be pursued against the applicant;
  - o This application should not be considered and approval should not be given for any number of houses until the Section 207 Notice requiring replanting has been complied with. No trees have been planted to date;
  - o Compliance with the Section 207 Notice would preclude the building of the dwellings proposed by this application;
  - o The applicant has a duty to replace the trees and doing so would not permit this proposal to proceed;
  - o The reason for the removal of the trees is now evident as a building development would result in financial gain for the landowner. The Council should initiate prosecution proceedings in respect of the removed trees;
  - o Sections 210(1) and 202C(2) of the Town and Country Planning Act set out that where trees are covered by a preservation order, anyone who cuts down, uproots or wilfully destroys a tree or, tops, lops or wilfully damages a tree in a way that is likely to destroy it or causes or permits such activities is guilty of an offence;
  - o Section 210(2) of the Act provides that anyone found guilty of such offences is liable, if convicted in the magistrates court, to a fine of up to £20,000. In serious cases, a person may be committed to the Crown Court and if convicted is liable to an unlimited fine;
  - o Section 210(3) of the Act provides that in determining the amount of the fine, the court shall take into account any financial benefit which has resulted, or is likely to result from the offence;
  - o Paragraph 135 of the Planning Practice Guidance states that there is a duty requiring landowners to replace a tree removed, uprooted or destroyed in contravention of an Order;
  - o Section 210 of the Act provides a clear structure for pursuing criminal enforcement action for unauthorised work;

- o Section 210 (4A) and (4B) of the Act states that proceedings cannot commence more than 3 years after the date when an offence was committed;
- o Paragraph 141 of the Planning Practice Guidance sets out the option that for Local Authorities when they believe unauthorised works have been carried out to protected trees. These include doing nothing where justified by particular circumstances, negotiating with the owner to remedy the works; issuing an informal warning to impress the risk of prosecution, seeking an injunction to stop ongoing works or consider whether the tests for commencing a prosecution are met;
- o Paragraph 147 of the Planning Practice Guidance states that Authorities should consider publicising successful prosecutions as a deterrent;
- o The breaches of the Tree Preservation Order should be considered prior to the determination of this application. If the Council continues to consider this or subsequent similar applications, it could mistakenly be assumed that it or its representatives are in collusion with the applicant and are prepared to overlook criminal offences under the Tree Preservation Order. To continue to determine the application is a waste of taxpayers' money;

#### Wildlife Issues

- o No environmental assessment accompanies the application and residents have seen a marked reduction in wildlife since the removal of the trees;
- o Amenity and wildlife habitat has been lost through the removal of trees and should be replaced, bats and birds lost their homes;
- o The land should remain as it is to serve wildlife;

#### Highway Issues

- o The Engineering Technician assessing the previous application stated that the creation of a staggered crossroads with Glastonbury was unacceptable and that opposing accesses should be 30 metres apart to accord with Manual for Streets.
- o No evidence is given that the 30 metre separation can be achieved and it may not be possible to take access from Parkway. Access to the east of the proposed site would conflict with the existing mini roundabout and parents picking children up from Biddick Academy;
- o There is no proof that the visibility splay is acceptable given that the Engineering Team has found this to be substandard;
- o Should the road be adopted, the turning head appears tight in order to meet requirements;
- o The Highways Team considered that the previous application appeared overly intensive and refusal could be supported. The same issues are still prevalent within the new scheme;
- o The provision of access opposite Glastonbury would be dangerous to highway and pedestrian safety including school children who pass the site;
- o More houses with 2-3 cars each will worsen existing traffic problems;

- o Parkway is a busy road with school children arriving/leaving between 08:00-09:00 and 15:00-16:00, during which times, 22 buses pass along Parkway;
- o Vehicular traffic on Parkway has greatly increased in recent times due to picking up and dropping off of children attending Biddick Primary School, Biddick Academy and St Robert of Newminster School;
- o Exiting Glastonbury is hazardous at school times due to parked cars. Road markings are also obscured on occasion by parked cars, causing an additional hazard;
- o HGVs travel along Parkway taking a short cut to Washington Town Centre and this represents a further hazard;
- o Traffic on Parkway frequently exceeds to 30mph speed limit.
- o Inadequate parking is proposed for each house which will lead to overcrowded streets which presently appear aesthetically pleasing with no on street parking due to availability of driveway space;
- o There is no provision for visitor parking associated with the proposed dwellings;
- o There is no plan showing the relationship between existing and proposed road junctions;
- o The plans do not show a road which would be to adoptable standard;
- o The proposal would require a bus stop to be relocated and no detail of an alternative position is provided. The alignment of Parkway, the presence of other junctions and the bus stop on the opposite side of the carriageway would make relocation difficult. Further consideration should be given to ensure continued bus provision to residents;
- o The site boundary is shown on the submitted plan as the back of the pedestrian footway on Parkway. Information on the Council's website suggests a boundary approximately 2 metres from the pavement with shrubs in the intervening strip of land. If the fence line is proposed on the outer edge of this land, it would interfere with the line of sight for drivers on Parkway;

#### Other Issues

- o There are inadequate sewerage services to cater for the proposed development;
- o Excavations for new sewers are likely to damage existing trees;
- o The land is for sale as development plots with local estate agents;
- o The neighbourhood will be devalued;
- o The proposal would cause nuisance to the neighbourhood for years to come, if approved;
- o This matter should have been resolved through a determination of the previous planning application;
- o Local schools are already oversubscribed. Further development would lead to children having to travel further to school;
- o The Local Authority should provide guidance to the applicant on what level of housing would be considered to be acceptable on the site to provide greater certainty for the applicant and local residents.

## Consultees

### Network Management

The Network Management Team has offered a number of observations in connection with the proposal as follows:

#### ACCESS

The proposed access creates a staggered crossroads with Glastonbury on the north-eastern side of Parkway, which is considered unacceptable. Opposing accesses should be positioned 30m apart when measured centre line to centre line. The applicant should demonstrate a layout that can achieve the 30m junction spacing.

It may be feasible to take access from Whitby Drive to the south, although this does appear to involve third party land ownership.

Access from Buckland Close is not considered acceptable for any additional dwellings. It is a shared surface arrangement measuring approx 5.1m with no footway provision and limited visibility.

#### VISIBILITY

The visibility splay is inaccurate - The Design & Access Statement quotes a visibility splay of 2.4m x 90m, however the site plan shows a substandard visibility splay of 2.4m x 37m.

A visibility splay of 2.4 x 45m would be accepted and should be clearly identified on a site layout plan. The visibility splay should end at the edge of the carriageway and not the centre of the carriageway.

No obstruction or planting to be within the visibility splay.

#### ADOPTABLE STANDARD / SECTION 38 AGREEMENT

The proposed carriageway width of 4.1 metres is not acceptable. The development would be required to be built to an adoptable standard with 5.5 metre road widths, 1.8 metre footways, street lighting, turning head, drainage connection and provision of surface water run off.

The applicant should clarify if it is their intention for the development to be adopted by the Council and enter into a Section 38 Agreement.

#### SHARED SURFACE

Shared surface configurations may be acceptable in certain circumstances. Where a layout shows a surface width of 4.8 metres, an additional continuous 1.5 metre hard paved service strip should also be provided, to be constructed to carriageway standard. This arrangement provides an 'overrun strip' on which vehicles can safely traverse past each other.

#### IN-CURTILAGE PARKING / VISITOR PARKING

For executive dwellings it is recommended that double width drives are provided.

No visitor parking provision is proposed for the development - Two visitor parking spaces are required and should be evenly distributed throughout the site. (1 space per 3 dwellings)

## TURNING HEAD

The turning head within the development should accommodate the turning movements of a large refuse vehicle (Manual For Streets suggests a refuse vehicle up to 11.6m long). It is likely that parking will take place in the turning head in front of the garages of plots 2 and 3. A 5.5m incut hardstanding is required for these garages. This can be reduced to 5m if a roller shutter garage door is used.

## SUSTAINABLE TRANSPORT - BUS STOP

There are existing Bus Stops on Parkway adjacent to the site which may require relocating.

The development should include measures to encourage sustainable transport initiatives where possible e.g. make suitable provision for electric vehicle charging.

## TREE ROOTS

The developer should note that no tree planting will be permitted within the area 4m from the back of the kerb edge of any road / footway unless a root barrier is provided. Where a root barrier is to be used the distance can be reduced to an absolute minimum of 2m, and the type to be approved by the City Council.

## CONCLUSION:-

The proposal appears to be an over intensive use of the site and highway reasons could be used to support refusal. It is noted that a relocated site access to the east would create conflict with parking generated by the school.

## NOTES:-

### ADVANCED PAYMENTS CODE

The proposed development will entail the erection of buildings on a proposed private street and will therefore be subject to the Advance Payments Code of the Highways Act 1980 (Section 219 and following Sections). Accordingly a notice will be served in due course under Section 220 of the Highways Act, requiring payment of, or a security for, a sum in respect of the cost of the street works.

### Tyne and Wear Archaeology Officer

The County Archaeologist has advised as follows:

The planning application is accompanied by an archaeological desk-based assessment. The assessment concludes that North Biddick Hall once lay to the west of the proposed development site.

It is assumed that the medieval settlement of North Biddick was located in the same area as the later Hall. Bedyk is first recorded in 1183 when it was held by Ulkill. North Biddick was described as a vill held by William de Hilton in 1377. The Hilton family held Biddick until the 18th century.

North Biddick Hall was demolished around 1966 due to mining subsidence. The house was said to incorporate 16th century fabric.

Archaeological Services Durham University say that it is probable that the construction of North Biddick Hall and then the building of Buckland Close

housing estate would have removed any evidence that once existed of the medieval settlement.

As a precaution it is recommended that an archaeological watching brief be a requirement of any development. This can be called to a halt at an early stage if it becomes apparent that the site is definitely devoid of archaeological features.

#### Archaeological Watching Brief Condition

No groundworks or development shall commence until the developer has appointed an archaeologist to undertake a programme of observations of groundworks to record items of interest and finds in accordance with a specification provided by the Local Planning Authority. The appointed archaeologist shall be present at relevant times during the undertaking of groundworks with a programme of visits to be agreed in writing by the Local Planning Authority prior to groundworks commencing.

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

#### Archaeological Watching Brief Report Condition

The building(s) shall not be occupied/brought into use until the report of the results of observations of the groundworks pursuant to condition ( ) has been submitted to and approved in writing by the Local Planning Authority.

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

The Archaeology Officer has advised that a specification for the watching brief can be provided when required.

#### Northumbrian Water

In making a response, Northumbrian Water assesses the impact of the proposed development on their assets and assesses the capacity of Northumbrian Water's network to accommodate and treat the anticipated flows arising from the development. No comments are offered on aspects of planning applications that are outside of their area of control.

Having assessed the proposed development against the context outlined above, Northumbrian Water have offered the following comments:

The planning application does not provide sufficient detail with regards to the management of surface and foul water from the development for NWL to be able to assess its capacity to treat the flows from the development. NWL therefore request the imposition of a condition requiring the submission and approval of a detailed scheme for the disposal of surface and foul water from the development prior to the commencement of development.

The developer should develop his Surface Water Drainage solution by working through the Hierarchy of Preference contained within Revised Part H of the Building Regulations 2010. Namely:-

- o Soakaway
- o Watercourse and finally
- o Sewer

If sewer is the only option, the developer should contact NWL to ascertain allowable discharge points and rates.

### Environmental Health

#### Land Contamination

The Applicant has submitted a Phase 1 Investigation (Ref: 1072R001i1) which comprises a review of Ordnance Survey historical mapping, search of environmental databases (Landmark, EA, Coal Authority) and a site visit. Currently the site which comprises grass lawn, vegetated areas and a disused tennis court, is surrounded by residential land use.

Mapping indicates that since at least since 1857 the site has been part of the grounds of Biddick Hall. An access track formerly crossed the site but was relocated prior to 1973. The site was previously planted with trees, the stumps of which were still evident in the site visit. No contaminative industry has been identified on or immediately neighbouring the site. Nearby land uses include; Hall Farm (300NE), waggonways (400mN & 550mN), coke ovens (800mE), railway (500m), ironworks (SE), Wire ropery & gravel pits / brick works (900mE), colliery (>1kmNE). From 1973 the surrounding land became much more intensively developed for housing and from 1990 former industry in the surrounding area has gone.

No significant contaminative industry has been identified on the site. The adjacent land uses include infilled clay pit (400mS), mineral railway 400mN, ground disturbance (380mN). Based on the topography it is considered there is a low risk from incursion of offsite contaminants.

The Landmark report indicates presence of head, clay with flints, brick earth, peat, river terrace deposits, marine and estuarine alluvial. The BGS 1:50,000 mapping shows superficial glacio-fluvial sand & gravel deposits of Devonian Age in the north and northeast of the site. The underlying bedrock is Pennine Middle Coal Measures Formation comprising mudstone, siltstone, sandstone. The mining risk has been assessed from the Coal Authority site. This provides documentation of deep mining, notified incidents and hazards, documented shafts and coal resources. No mining risks have been identified however no assessment has been presented regarding the possible risk from shallow unrecorded mine workings.

The nearest documented surface water course is Oxclose Burn located c.600m west of the site. The underlying superficial deposits are regarded by the EA as unproductive and the underlying bedrock is classified as a Secondary (A) Aquifer. There are no licensed water abstractions in the vicinity and the underlying aquifer is not within a Source Protection Zone.



The site and immediate environs within 250m appear not to be impacted by landfill.

Very few hazards have been identified for the site these being; PAHs/coal dust, metals/metalloids from mineral railway/waggonway and ground gases from former clay pit /quarry (370m+). The risk based on severity of possible impact and likelihood of occurrence has been given as Low to Moderate. Although harm could occur to a current/future site user or resident this is likely for the Moderate case to be relatively localised or non-permanent; however remedial action may be necessary.

The report conclusions seem slightly at variance with the risk assessment in saying that the risks are Low and therefore no Phase 2 investigation is required.

## Recommendations

The proposed end use is highly sensitive to contamination and although no potential contaminative land use has been identified, this relies heavily on mapping dating from 1857 onwards.

The area of the tennis court shows signs of terracing, which is most likely to be of natural ground however the court surface itself may be impacted by ash/cinders/tar bound surfacing containing PAHs.

It is therefore recommended that the ground model is checked through intrusive investigation to ensure that contaminated made ground is not present on the site. It is assumed that topsoil will be re-used and therefore some testing should be carried out to ensure that it is suitable for use and does not contain significant quantities of the chemicals of concern identified in the Desk Study. If the tennis court surfacing is to remain on site then testing should be provided to indicate risk to people and controlled waters. Testing will also be required for made ground removed off the site for disposal under waste regulations.

The potential risk if any from shallow unrecorded mine workings should be assessed from geological sources such as 1:10,000 BGS maps, memoirs and borehole records. If necessary the thickness of rock head above mine workings should be ascertained through rotary coring methods.

The thickness of made ground and the potential if any for ground gas generation should be assessed to determine whether gas monitoring will be required. Gassing risk from shallow mining should also be assessed.

## Construction

### Section 61

In view of the close proximity of the proposed development to nearby residential premises the applicant should make application for prior consent in respect of work on construction sites under the Control of Pollution Act 1974, Section 61 to City Services, Pollution Control Section. Application should be made prior to the commencement of any works.

In any case it is recommended that on-site operations should not commence before 07:00 hrs and cease at or before 19:00 hrs Monday to Friday inclusive, and 07:30 and 14:00 hrs Saturdays. No noisy work shall be permitted to take

place on Sundays and bank holidays at any time without prior approval from City Services (Pollution Control). Approval will only be given for such working in exceptional circumstances for example on the grounds of safety and public protection. before 19:00 hrs Monday to Friday inclusive, and 07:30 and 14:00 hrs Saturdays. No works shall be permitted to take place on Sundays and Bank Holidays at any time without prior approval from City Services (Pollution Control). Approval will only be given for such working in exceptional circumstances for example on the grounds of safety and public protection

Consideration should be given to the selection of machinery and methods of operation in relation to noise generation. In instances where noise cannot be controlled at source by the appropriate selection of plant, equipment and work methods British Standard 5228-1 and British Standard 5228-2, which address noise on construction should be followed.

Regard should be had to the following to minimise noise emissions:

- o the condition of the machinery to be used, e.g. efficient engines, silencers and covers and compliance with manufacturer's maintenance requirements
- o siting of the machinery e.g. the use of available shielding such as walls or buildings, the judicious placing of materials stores and distance from noise sensitive premises
- o substitution of machinery, e.g. the use of valve compressors in place of reciprocating compressors, electric power instead of internal combustion power
- o substitution of methodology, e.g. pressured bursting instead of percussion methods and the use of an enclosed chute to lower materials instead of dropping or throwing

Vibration from construction operations should not be experienced at nearby residential properties and the provisions of British Standard 6472:1992, Evaluation of Human Exposure to Vibration in Buildings, must be taken into account. Additionally the Council may require that vibration levels be monitored in sensitive locations should neighbouring premises be affected.

Provision should be made for the reasonable prevention of dust generation. Where this is not possible adequate dust suppression management should be applied. As such a suitable and constant supply of water (mains supply or water bowsers in sufficient numbers) adequate for dust suppression purposes must be provided to the site.

Dust suppression by water should use a dispersal point close to the position of dust generation in order to be more effective in both dust suppression and minimising the volume of water used, and thus run-off.

Where dust arises and is persistently problematic means of removing it should be planned and provided, such as water hoses, road sweepers and window cleaners, as appropriate.

## Nexus

Nexus has advised that it has no objection to the development.

Nexus has two bus stops within accessible walking distance to the development on Parkway, the furthest of which is 300 metres from the proposed point of access. Buses servicing these stops have destinations to Washington Galleries, Concord Bus Station, Sunderland and Heworth Interchanges and also other local areas.

The pedestrian ways surrounding the development are in good condition with adequate street lighting in place near the bus stops.

The Sunderland cycling map provides advisory cycling routes from the site and an advised link to national cycle route 7 is shown.

## **POLICIES:**

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

B\_2\_Scale, massing layout and setting of new developments  
B\_11\_Measures to protect the archaeological heritage of Sunderland (general)  
B\_13\_Sites and monuments of local importance affected by development  
B\_14\_Development in areas of potential archaeological importance  
CN\_17\_Tree Preservation Orders and replacement of trees  
EN\_10\_Proposals for unallocated sites to be compatible with the neighbourhood  
EN\_14\_Development on unstable or contaminated land or land at risk from landfill/mine gas  
H\_4\_Density of housing development to at least reflect that of the locality  
H\_22\_Residential development within the curtilage of an existing house  
T\_14\_Accessibility of new developments, need to avoid congestion and safety problems arising

## **COMMENTS:**

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

- 1) Procedural Matters
- 2) Principle of the Development.
- 3) Design, Layout and Amenity Issues.
- 4) Arboricultural Considerations.
- 5) Highway Issues.
- 6) Archaeology.
- 7) Land Contamination.
- 8) Other Issues.

- 1) Procedural Matters

A number of trees which were subject to Tree Preservation Order 47 were removed from the garden area of 3 Buckland Close between November and December 2012. A number of the representations made in objection to the

planning application which is presently under consideration refer to the removal of these trees and it is important to clarify which of the considerations are material to the assessment of this planning application.

The applicant submitted reports prior to the removal of the trees to the effect that they were diseased and dangerous. In such circumstances a landowner has a duty to replace trees which have been removed that were the subject of a tree preservation order under section 206 Town and Country Planning Act 1990.

Accordingly following the removal of the trees in November-December 2012, a notice pursuant to Section 207 of the Act was served by the Council on the landowner on 17 February 2014 specifying a replanting scheme which, if implemented, is considered likely to restore the amenity lost following the removal of the trees subject to Tree Preservation Order 47. The notice was issued with the aim of securing re-planting in the 2014-2015 planting season to restore the tree cover and the amenity value of the trees previously enjoyed by the public. The notice required 16 trees to be planted within the grounds of 3 Buckland Close. The notice specified that the trees should be of Advanced Heavy Standard with a circumference of 16 to 20 cm measured at a height of 1.5 metres above ground level. An approximate spacing of 5 metres between the newly planted trees was required and the period for compliance is twelve months from the date on which the notice takes effect. The notice took effect on 24 March 2014 and no appeal was submitted by the applicant against the requirements of the notice, so the date by which the notice should be complied with is 24 March 2015.

Given that this notice has now taken effect, it is a material consideration in the assessment of this application. The application is accompanied by a proposed alternative landscaping strategy which shows a proposed planting strategy for the site. This differs from the requirements of the notice issued pursuant to Section 207 of the Act due to the proposed siting of the new dwellings, which in some cases conflicts with the zones identified in the Notice wherein replacement tree planting is required. Notwithstanding this conflict, the acceptability of the proposed landscaping scheme put forward by the applicant in conjunction with the residential development proposals must be considered because were an appropriate scheme to be put forward and subsequently implemented, the local planning authority would have the opportunity to withdraw the Notice served under Section 207 of the Act.

## 2) Principle of the Development

When considering any application for planning permission it is particularly important to establish the acceptability of the principle of development. Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

As of 27 March 2012, the National Planning Policy Framework (NPPF) became a material consideration in the determination of planning applications and superseded a large number of previous planning policy guidance notes and statements. Paragraph 11 of the NPPF states that planning law requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 12 expands upon this and advises that the NPPF does not change the statutory

status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved.

Whether or not the development plan is up to date is a material consideration in determining how much weight should be attached to the relevant policies in the development plan in light of other material considerations. In particular, Paragraph 214 of the NPPF states that where the relevant provisions of the development plan were not adopted in accordance with the provisions of the Planning and Compulsory Purchase Act 2004 (which is the case with the Council's Development Plan which was adopted in 1998), due weight should be given to the relevant policies of the plan according to their degree of consistency with the NPPF.

Paragraph 14 of the NPPF provides that in respect of decision making:-

- o development proposals that accord with the development plan should be approved without delay;
- o where the development plan is absent, silent or the relevant policies are out of date, planning permission should be granted unless:-
  - (i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF taken as a whole; or
  - (ii) specific policies in the NPPF indicate that development should be restricted.

The Council's Development Plan comprises the saved policies of the Development Plan which was approved in 1998 and the UDP Alteration Number 2 (Central Sunderland) adopted in 2007.

To this end, the site to which the application relates is not allocated for any specific purpose on the proposals map of the Council's Unitary Development Plan (UDP). Policy EN10 of the UDP states that all proposals for new development will be judged in accordance with the policies and proposals of the plan. Where the plan does not indicate any proposals for change, the existing pattern of land use is intended to remain; proposals for development in such areas will need to be compatible with the principal land use of the neighbourhood.

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

Given that the land to which the application relates is presently a residential garden area, it is considered that some form of residential development on the land would be in accordance with UDP policy EN10 subject to compliance with all other relevant national and local policies.

### 3) Design, Layout and Amenity Issues

Paragraph 17 of the NPPF sets out 12 core planning principles identified by the Government as being important. Within these principles, it is identified as being important that Local Planning Authorities should always seek to secure high

quality design and a good standard of amenity for all existing and future occupants of land and buildings.

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

In addition to the above, UDP policy B2 seeks to ensure that the scale, massing, layout and setting of new developments should respect and enhance the best qualities of nearby properties and the locality and retain acceptable levels of privacy. Large scale developments, creating their own individual character, should relate harmoniously to adjoining areas. Policy B2 is considered to be fully compliant with the NPPF.

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

Section 10C of the SPD document deals specifically with the separation distances required between buildings in new proposals for residential development. In this regard a minimum distance of 21 metres is recommended to be maintained between main facing windows (habitable window to habitable window), this distance being reduced to 14m for main facing windows facing side or end elevations (with only secondary windows or no windows). These distances are recommended to be increased by two metres for every one metre difference in land levels between properties.

With specific regard to proposals for new residential development within existing gardens, paragraph 53 of the NPPF states that Local Planning Authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.

Policy H22 of the adopted UDP states that new residential development within the curtilage of an existing house will only be acceptable if it is not detrimental to general amenity and to the established character of the locality. Policy H22 is considered to be fully compliant with the NPPF.

In considering applications for new housing development, policy H4 is relevant and states that such development will normally be expected to reflect the density of the locality, consistent with protecting and enhancing the character of the area. Where appropriate, increased densities will be sought, particularly where they relate to a public transport corridor. Policy H4 is considered to be fully compliant with the NPPF.

The Draft Core Strategy and Development Management Policies includes policies in respect of Housing Density (DM4.7), Development in Existing Gardens (DM4.8), Design (DM7.1) and Amenity (DM7.25), which shows that the emphasis

placed on these issues will remain when the Core Strategy replaces the remaining UDP saved policies.

It is noted that the site is identified in the Council's Strategic Housing Land Availability Assessment (SHLAA) as a potential site for residential development - site 521. Therein, the site is identified as being developable within 1-5 years and suitable for 1-2 dwellings.

In considering the design, layout and amenity issues associated with the site, it is important that the proposal is considered in respect of its inter-relationship with existing adjacent properties and any impacts which the proposal would have upon amenities of occupiers of these existing properties. It is also important that the scheme is considered in respect of the levels of amenity to be afforded to occupiers of the proposed dwellings. The appropriateness of the proposed development to its setting is also a consideration in respect of how it relates to the character and appearance of the area and how it relates to existing development in this regard.

In respect of the impact upon residential amenity, regard has been had to the inter-relationship of the proposed dwellings with the existing dwellings which adjoin and look directly onto the site. Specifically, the properties which are closest to the site are 28 Whitby Drive and 14 Shap Close which stand to the south of the site on a lower level, numbers 2 and 3 Buckland Close which would share boundaries with the proposed dwellings and numbers 1, 4 and 5 Glastonbury which face the site on the opposite side of Parkway.

Plots 1-3 stand along the southern boundary of the site. The rear elevations of the dwellings on plots 1 and 2 face the curtilage of 28 Whitby Drive, which is a bungalow. The side elevation of number 28 does not contain any windows or openings and the proposed dwellings on plots 1 and 2 are sited so that the rear elevation of plot 1 would look towards the rear garden area of number 28, whilst plot 2 would be sited so as to face the front garden of number 28. The rear elevation of plot 1 would be approximately 7 metres away from the shared boundary and the proposed dwelling would contain dining room and kitchen windows at ground floor level and a bedroom window above. The rear elevation of plot 2 would be approximately 9 metres away from the rear boundary at its closest point. The dwelling proposed on this plot would contain living room and kitchen windows at ground floor level with two bedrooms and a bathroom in the first floor rear elevation. It is noted that there is tree coverage along the southern boundary of the application site and that it is the applicant's intention that these trees would remain. Given that the proposed dwellings and number 28 are not directly aligned and as number 28 does not include any windows in its side elevation facing the application site, it is not considered that the impact upon the existing dwelling at number 28 would be unacceptable.

Notwithstanding this, the application site is on higher ground than the properties to the rear in Whitby Drive and Shap Close. A topographical survey and site sections have been provided by the applicant although this information shows only the land levels across the application site and does not show the levels across existing sites. As such, whilst it is evident that the dwellings to the south stand on lower ground, the exact nature of the land level difference is not stated in the submitted information. Given the distances set out above, the fact that the dwellings are proposed to be two storeys high and stand on higher ground adjacent to the existing bungalow at 28 Whitby Drive, also containing a number

of windows serving primary habitable rooms in their rear elevations, it is considered that the proposed dwellings on these plots would appear unacceptably overbearing when viewed from within the front and rear garden areas of 28 Whitby Drive. This is notwithstanding the presence of the protected trees along the boundary as due to their deciduous nature, these trees will not always be in leaf, so the screening which they may provide at times is not considered to be sufficient to mitigate for the limited separation between the proposed and existing dwellings.

Plot 3 is proposed to be approximately 29 metres away from 14 Shap Close to the rear and approximately 13 metres from the rear site boundary. These distances are such that it is not considered that the proposed dwelling on plot 3 would not prove unacceptably harmful to the amenities of occupiers of dwellings to the rear.

In respect of plot 4, this stands within 8 metres of the rear elevation of 3 Buckland Close. Although the alignment is not direct and the design is such that there are no first floor windows in the rear elevation of the proposed dwelling, the positioning of the dwelling proposed on plot 4 is considered to be unacceptably close to the rear elevation of 3 Buckland Close with regard to the spacing recommendations set out in SPD as detailed above and would be detrimental to the amenities of occupiers of 3 Buckland Close by way of an overbearing appearance and also the potential for some loss of light and overshadowing during morning hours, due to the positioning of plot 4 directly to the east of the existing dwelling.

Plot 5 is sited so as to be 9 metres away from the boundary shared with 2 Buckland Close with a ground floor garden room within 5 metres. The dwellings themselves are indirectly aligned and separated by approximately 25 metres. The arrangement is such that the amenities of occupiers of 2 Buckland Close would not be unacceptably harmed as a result of the positioning of plot 5.

In respect of the relationship of the proposed development to Glastonbury on the opposite side of Parkway, the dwelling proposed on plot 1 is offset from 1 Glastonbury by approximately 23 metres and the dwelling proposed on plot 5 is offset from 5 Glastonbury by approximately 22 metres. These distances are considered to be satisfactory in order to avoid unacceptable detriment occurring to the amenities of occupiers of properties in Glastonbury as a result of the proposal.

Thus, in respect of the inter-relationship between the proposed dwellings and existing properties, the main concerns are in respect of the likely overbearing appearance of the dwellings on plots 1 and 2 when viewed from the garden areas of 28 Whitby Drive and the inter-relationship of plot 4 with the existing dwelling at 3 Buckland Close. These concerns are considered significant enough that the proposal would be detrimental to the amenities of residents of these existing adjacent properties. On this basis, the proposal is considered to fall contrary to the aims of NPPF paragraph 17, UDP policy B2 and the associated guidance in the adopted Residential Design Guide SPD, all of which seek to ensure a good standard of amenity is achieved.

In respect of the levels of amenity to be afforded to future occupiers of the proposed dwellings, notwithstanding the concerns set out above relating to the inter-relationship with existing properties, regard must be had to the layout of the



proposed scheme and the inter-relationship between the proposed dwellings. In this regard, the proposed dwellings on plots 1 and 5 face each other and are separated by approximately 21 metres. This arrangement is considered to be acceptable in order that an adequate distance is maintained between these properties so as to afford satisfactory amenity in this regard. In respect of plots 2 and 4, the distance between the facing front elevations is reduced to approximately 17 metres, which is below the recommended standards set out in SPD for facing elevations containing primary windows. There are cases where reduced separation distances may be appropriate, but in this case, there is no justification as to why the recommended standards cannot be adhered to. This shortfall in spacing is considered likely to prove detrimental to the future amenities of occupiers of these properties resulting in a cramped form of development. In that it stands at the head of the cul-de-sac and does not directly align with any of the other proposed dwellings, the siting of plot 3 is not considered to conflict with any of the Council's recommendations in respect of spacing distances.

In addition to the above, it is noted that the rear gardens of plots 1 and 2 and the side garden of plot 3 would each contain a number of mature trees, the presence of which, to the south of the dwellings would severely limit the amount of light which would be able to reach the rear windows in plots 1 and 2 and the side windows in plot 3. This arrangement would be detrimental to the future amenities of occupiers of the dwellings on plots 1-3. In this regard, it is considered that the arrangement proposed, in terms of plots 1, 2 and 3, would be likely to result in future requests for works to, and possible felling of protected trees, from those occupying these proposed dwellings on grounds of insufficient light due to proximity to trees.

For the reasons set out above, it is considered that the layout of the scheme is potentially detrimental to future occupiers. Specific concerns are the reduced separation distance between the dwellings on plots 2 and 4 and the inter-relationship between the existing protected trees and the windows proposed in the south elevations of plots 1-3 which would severely limit the amount of light which is likely to reach these properties and as such would reduce the levels of amenity afforded to occupiers of these properties.

These concerns are considered significant enough that the proposal would be detrimental to the amenities of the future occupiers of proposed plots 1 - 3. On this basis, the proposal is considered to fall contrary to the aims of NPPF paragraph 17, UDP policy B2 and the associated guidance in the adopted Residential Design Guide SPD, all of which seek to ensure a good standard of amenity is achieved.

In respect of the impact of the proposal upon the established character of the area, the surrounding area is predominantly residential, with large detached dwellings of various designs existing in Buckland Close, Cooks Wood and Whitby Drive. On the opposite side of Parkway, bungalows are in evidence in Glastonbury.

In respect of the proposed development, it represents the erection of five new dwellings on an area of 0.31 hectare. This represents a density of 16.13 dwellings per hectare. Considering this in respect of the adjacent streets, the existing street at Buckland Close comprised eight dwellings standing on an area of 5.1 hectares which represents a density of 1.57 dwellings per hectare. The six

dwelling which comprise Cooks Wood and were erected in what previously comprised garden land of 5, 6 and 7 Buckland Close stand on a site of 0.47 hectare which represents a density of 12.64 dwellings per hectare. The group of properties comprising Shap Close and Whitby Drive stand to the south of the application site and occupy an area of 4.82 hectares with a total of 40 dwellings. This represents a density of 8.29 dwellings per hectare. These are the streets which are considered to be directly comparable to the nature development proposed by this application, i.e. large detached dwellings. The other closest street to the application site is Glastonbury, which is a different form of development from that which is proposed, i.e. bungalows and is separated from the application site and thus the proposed development by Parkway. Glastonbury comprises a total of 9 houses standing on 0.47 hectare which results in a density of 19.15 dwellings per hectare.

In respect of individual plots proposed by this application:

- o Plot 1 would comprise a dwelling with a footprint of 159 square metres on a plot of 695 square metres;
- o Plot 2 would comprise a footprint of 125 square metres on a site of 514 square metres;
- o Plot 3 would see a footprint of 125 square metres on a site of 562 square metres;
- o Plot 4 comprises a footprint of 125 square metres on a site of 491 square metres; and
- o Plot 5 would see a footprint of 158 square metres created on a site of 560 square metres.

The sizes of four of the plots created within the proposed development are smaller than any of the existing plots within Buckland Close, Cooks Wood and the closest properties in Whitby Drive and Shap Close. The largest plot proposed, plot 1 is larger than four of the plots in Cooks Wood. The sizes of the footprints of the dwellings proposed across the site are considered to be overly large for the constrained plots, when viewed in the context of the adjacent residential developments of Buckland Close, Shap Close, Whitby Drive and Cooks Wood.

The architect has drawn reference to Glastonbury, the adjacent street located on the opposite side of Parkway. As set out above, the properties within Glastonbury stand on smaller plots than the prevailing housing to the south of Parkway, but comprise bungalows of a design which differs significantly from the type of dwelling which is proposed by this application.

Thus, whilst the development proposed by this application would be viewed opposite to Glastonbury, it is actually set within Buckland Close which comprises large detached properties, set in spacious plots. The presence of higher density housing in Glastonbury is therefore not considered sufficient to mitigate the concern in respect of the relationship between the proposal and the surrounding large dwellings that are characteristic of the Buckland Close setting.

For the reasons set out above, the proposal is considered to represent an overly intensive form of development on the site, which would be detrimental to the established character of the area. It would be contrary to the aims of UDP policy H4 for this reason. In addition, the proposal would represent inappropriate development of a private residential garden to the detriment of the established

character of the area and as such is contrary to the aims of NPPF paragraph 53 and UDP policy H22.

#### 4) Arboricultural Considerations

Policy CN17 of the UDP states that the City Council will encourage the retention of trees which make a valuable contribution to the character of an area by the making of Tree Preservation Orders. The retention of trees, hedges and landscape features in new development will be required where possible. Policy CN17 is considered to be fully compliant with the NPPF.

The Draft Core Strategy and Development Management Policies includes a policy in respect of Trees (DM7.20), which shows that the emphasis placed on tree preservation issues will remain when the Core Strategy replaces the remaining UDP saved policies.

A number of trees within the curtilage of the application site and surrounding properties are afforded protection by Tree Preservation Order 47 (TPO47). The application is accompanied by an arboricultural survey which details the condition of the trees within the garden of the property which are subject to TPO47 as well as recommendations for their future management. The contents of this report have been considered and the implications of the proposed development for the future health and amenity value of these trees has been assessed.

The submitted Arboricultural Assessment is considered to be generally accurate however the tree positions and indicated canopy shapes appear to be estimated and should not be relied upon, particularly when considering the extent of shading, light restriction and tight root protection zones. There are a number of trees located on the site which have not been plotted on the tree constraints plan, although based on the submitted information, none of these trees appear to be protected by the TPO. As none of these trees are shown referred to in the Arboricultural assessment or shown on the tree constraints plan, it is therefore assumed that these trees are proposed for removal.

It is not considered that proposal adequately takes into consideration the constraints that exist with regard to the protected trees. The proposals conflict with the root protection zones of trees close to plots 1, 2 and 3.

The applicant's Arboricultural report states that the encroachment is minor however the reality is building within the root protection zones of trees will have a significant effect on the health of the trees. It is inappropriate to see a tree protection fence proposed on the building line of a structure as it does not allow the construction team space to dig the foundations and structure of the building with the fence in position without straying into the root protection zone.

The applicant's Arboricultural assessment states that "The revised proposal involve minor encroachment into a number of the trees root protection areas however in most cases is less than 5%". Having reviewed the proposals, it is considered that the use of the word "minor" is incorrect and that significant encroachment would actually occur into the root protection zones of existing trees to facilitate the construction of plots 1, 2 and 3.

The applicant's Arboricultural assessment goes on to state that: "The raft foundations will only be constructed around the perimeter of the building and will

allow for a reduction in the depth of the excavations from 900mm to 300mm max". It is also proposed by the applicant's arborist that these would be hand dug so that care can be taken to avoid damage to the roots.

No information has been submitted with the application to assess whether or not the foundations described are suitable. However, even if the ground conditions allow such a design it is well known that the majority of a trees roots exist within the top 500mm of soil. The soil at this level is usually more suited to root growth. Hand digging will not avoid damaging the roots and soil structure that exist in the locations where the excavations and pouring of concrete will take place.

The impact of the construction of the dwellings in respect of the protected trees has been considered on a plot by plot basis. In respect of plot 1, it is considered that trees T21 and T22 will both be negatively affected by the construction of the proposed dwelling. The trees are located to the south east of plot 1 and therefore by virtue of their location (extremely close to plot 1) will endure very limited amounts of sunlight and daylight throughout the day.

The hard landscaping located in the rear garden of the proposed dwelling on plot 1 is not shown. It would be usual to have at least a footpath and a small patio. This will encroach even further depending on the design into the tree root protection area. The Arboricultural report has not taken into consideration the needs of the construction team when building the proposal. The protective fencing to be erected around the trees is shown hard up against the proposed dwelling. There is no demonstration that it would be possible for the construction team to erect their scaffold or carryout the normal tasks of construction. The position shown on the constraints plan cannot realistically be achieved.

In respect of plot 2, trees T22, T23, T24, T25, T26, T30 and T32 will be affected by the construction of plot 2. It is considered that the proposal is too close to these trees. The trees are located to the south east of plot 2 within a very small garden and therefore by virtue of their location (extremely close to plot 2) will endure very limited amounts of sunlight and daylight throughout the day.

As per plot 1 above, the hard landscaping located in the rear garden of the proposed dwelling on plot 2 is not shown. It would be usual to have at least a footpath and a small patio. This will encroach even further depending on the design into the tree root protection area. Once again, the Arboricultural report has not taken into consideration the needs of the construction team when building the proposal. The protective fencing to be erected around the trees is shown hard up against the proposed dwelling. There is no demonstration that it would be possible for the construction team to erect their scaffold or carryout the normal tasks of construction. The position shown on the constraints plan cannot realistically be achieved.

Turning to consider the implications of the proposed construction of plot 3, trees T31, T32 and T30 will be affected by the construction of Plot 3. The trees are located to the south to south east of plot 3 within a very small garden and therefore by virtue of their location (extremely close to plot 3) will endure very limited amounts of sunlight and daylight throughout the day.

As per plots 1 and 2 above, the hard landscaping located in the rear garden of the proposed dwelling on plot 3 is not shown. It would be usual to have at least a footpath and a small patio. This will encroach even further depending on the

design into the tree root protection area. Once again, the Arboricultural report has not taken into consideration the needs of the construction team when building the proposal. The protective fencing to be erected around the trees is shown hard up against the proposed dwelling. There is no demonstration that it would be possible for the construction team to erect their scaffold or carry out the normal tasks of construction. The position shown on the constraints plan cannot realistically be achieved.

The proposed siting of plots 4 and 5 is such that existing trees would not be affected by their construction.

An assessment of the proposal has been carried out with regard to the impact upon the protected trees.

In this regard, trees that have good health and stability are well adapted to their surroundings. Any development activity which affects the adaptation of trees to a site could be detrimental to their health, future growth and safety. Tree species differ in their ability to tolerate change, but all tend to become less tolerant after they have reached maturity or suffered previous damage or physiological stress. Planning and subsequent development site management needs to minimise the effect of change.

The part of a tree most susceptible to damage is the root system, which, because it is not immediately visible, is frequently ignored. Damage to, or death of, the root system affects the health, growth, life expectancy and safety of the entire tree. The effects of such damage might only become evident several years later. Damage can be the result of a number of minor but compounding factors that accumulate over time. Materials such as uncured concrete, diesel oil and vehicle washings can all damage roots and lead to adverse impacts on the tree.

Development should be designed to take into account the existing trees, their ultimate size and the density of foliage, and the affect that these will have on available sunlight and day light. The relationship of building to large trees can cause apprehension to occupiers resulting in pressure for the removal of the trees.

The trees in question form a very prominent feature within a landscape that is best described as pleasantly leafy. Collectively they form a very important feature and collectively provide a very high level of amenity to the area.

Of the two trees identified for removal, it was only possible to identify T20 a large Sycamore tree that provides a good level of amenity to the site and the tree root protection zone of which conflicts with plot 1. However closer examination reveals that there is a cavity located at the base of this tree. The applicant's Arboricultural survey has correctly identified this as a reason for its removal.

The applicant's arborist has moved away from the recommended default position within the recommendations contained in BS 5837 2012 (Trees in relation to Construction, Design and Demolition 'Recommendations') and proposes to build within the root protection areas (RPA) of the trees described above. The standard recommends that the structures should be located outside of the Root protection areas (RPA) unless there is an overriding justification for the construction within the RPA. If the operations within the RPA are proposed the applicant needs to demonstrate the following;

The trees can remain viable and that the area lost to encroachment can be compensated for elsewhere contiguous with its RPA. This cannot be achieved as the trees grow on the edge of the site boundary.

Propose a series of mitigation measures to improve the soil environment that is used by the tree for growth. No measures have been proposed that would improve the soil structure.

The applicant should also demonstrate that the cumulative effects of incursions into the RPA, for example hard landscaping and excavations for utility apparatus are not collectively damaging. This has not been considered in the latest proposal.

The applicant should demonstrate that a realistic assessment of the probable impact of the development on the trees and the trees on the development has taken place. This should take into account the characteristics and condition of the trees, with due allowance and space for their future growth. This element of the proposal has either not been considered. The recommended separation/root protection areas are minimum standards. It is also important to consider the above ground constraints and especially the relationship between the canopy of the trees and the dwellings. It is not appropriate to construct dwellings close to trees that will dominate and shade properties to an extent that is considered extreme.

Regarding the submitted landscaping proposals: It is considered that in respect of the chosen species, some of the trees will rapidly outgrow their proposed location, due to their eventual mature size and due to insufficient spacing, in particular those adjacent to the north east boundary, where trees are proposed too close together and too close to the dwelling proposed on plot 1.

The location of the trees proposed by the submitted landscaping scheme differs from the requirements of the Tree Replacement Notice served pursuant to Section 207 of the Act, which has taken effect in relation to the site, as the trees will not be visible in the wider landscape. The more prominent trees in the landscape proposal are either fastigiated (alien in the landscape) or densely planted small trees planted along the boundary with limited opportunities to develop to maturity. In order to satisfy the requirements of the Tree Replacement Notice, the trees should be large, prominent and have adequate space to develop to maturity to replace the large protected trees that were felled prior to this application.

Thus, whilst the local planning authority has the option to consider alternative landscaping proposals submitted by the applicant in order to deal with the requirement to re-plant trees across the site, it is not considered that the scheme submitted with this application is satisfactory, to address this requirement as a substitute for the requirements of the Section 207 Notice.

For the reasons set out above, it is considered that the positions of the proposed buildings have not been realistically considered with regard to the tree constraints. Accordingly, Members are advised that it is considered certain that if planning permission were granted, the trees will not remain viable on the site as a result of the following factors;

- o Excavations and disturbance within the RPA of mature trees will result in an unacceptable level of disturbance to the roots of the tree which will lead to the death and decline of the trees. No overriding justification has been submitted to build within the RPA of the trees.
- o The mitigation proposed will not prevent the destruction of the soil structure and roots of the protected trees.
- o The proposed dwellings are to be built within the canopy of large mature trees with very dense canopies. The conditions in the rear gardens and habitable rooms are therefore likely to be very dark and gloomy. It is therefore predictable that future residents will find these living conditions to be unacceptable. This will lead to post development resentment and requests to severely prune or fell the trees. These requests will be very difficult to resist due the very extreme gloomy conditions that will experienced by the residents.

For the reasons set out above, it is considered that the proposal fails to accord with the aims of UDP policy CN17, which seeks to encourage the retention of trees which make a valuable contribution to the character of an area by the making of Tree Preservation Orders. The retention of trees, hedges and landscape features in new development will be required where possible. It is considered that the proposal is likely to cause significant harm to the long term health and viability of trees subject to Tree Preservation Order 47. Any damage or loss of these trees is not considered to be acceptable as the trees make a valuable contribution to the visual amenity of the area.

## 5) Highway Issues

Paragraph 32 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe.

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

The Draft Core Strategy and Development Management Policies includes policies in respect of Transport, Access and Parking (DM6.1), which shows that the emphasis placed on such issues will remain when the Core Strategy replaces the remaining UDP saved policies.

As set out above, the Network Management Team has offered a number of comments in respect of the proposal as part of an assessment concerning its likely impact upon highway safety.

Concern was raised by the Network Management Team in respect of:

- o The positioning of the proposed access road in relation to existing streets, Glastonbury in particular;
- o The visibility splay available at the site entrance,
- o The provision of more than three units served by a private street,
- o The lack of visitor parking;
- o The usability of the turning head;

- o The need to re-position a bus stop; and
- o The proximity of proposed tree planting to the carriageway.

In respect of access, the Network Management Team has noted that the proposed access creates a staggered crossroads with Glastonbury, which is considered to be unacceptable. Opposing accesses should be positioned 30 metres apart when measured centre line to centre line. Based on the submitted site plan, the distance between the centre line of the proposed access to the centre line of the access road to Glastonbury is approximately 7 metres, which is significantly less than the recommended 30 metre spacing. The inadequate spacing between existing and proposed road accesses is considered to be unacceptable and would be detrimental to highway safety.

The minimum recommended 30 metre junction spacing cannot be achieved along the red line boundary adjacent to Parkway and as such, it appears that access from Parkway to serve a development of the nature proposed is not feasible.

The Network Management Team has made a comment in respect of the potential for access to the site to be taken from other points, but there are no such proposals at present and as such a decision must be taken on the basis of the submitted plans, i.e. a proposed new road access from Parkway. The fact that the proposed road serving the new dwellings would not be adopted does not affect the concern raised over the positioning of the access roads in relation to each other.

The Network Management Team has advised that the requirement in this instance would be for a visibility splay of 2.4 metres x 45 metres. It does appear that visibility of 2.4 metres x 45 metres is achievable from the access road along Parkway in line with the recommendations of the Network Management Team. However, this is not considered to mitigate for the harm found above in respect of the proximity of the access road to the existing access serving Glastonbury.

The provision of more than three houses on a private street is considered to be undesirable with regard to the Network Management Team's design guidance. The recommended limitation is in place on the basis that to allow a larger number of properties in such an arrangement has the potential to create issues in the longer term in respect of maintenance and usability of the street between land owners. These comments are noted, however it is not considered that this is a reason to withhold planning permission is its own right.

The comments offered in respect of the lack of visitor parking, the usability of the turning head and the proximity of trees to the proposed access road are matters of detail which are considered to be secondary issues given that the positioning of the proposed access road has been found to be unacceptable as a point of principle. Similarly, the required relocation of the bus stop has been subject of consultation with Nexus and no specific comments were offered in response in respect of the relocation. As per the detail issues of the setting out of the proposed access road, given that the positioning of the road is considered to be unacceptable as a matter of principle, it is not considered that the concern over the relocation of the bus stop requires further consideration at this time.

The proximity of the proposed access road to the existing road access to Glastonbury is considered to be such that there is significant potential for conflict



between vehicles so as to result in severe residual cumulative impacts as set out in paragraph 32 of the NPPF and contrary to policy T14 of the UDP. As such, the proposal is considered likely to create conditions which are unacceptably prejudicial to highway safety and as such, planning permission should not be granted for the proposal based on the submitted plans.

#### 6) Archaeology

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

The Tyne and Wear Archaeology Officer has considered the proposal and has advised that development of the site is considered to be acceptable subject to the imposition of conditions requiring an archaeological watching brief to be carried out and a subsequent report of the findings to be submitted to the Local Planning Authority for approval. Subject to the imposition of such conditions should Members be minded to approve the application, the proposal is considered to comply satisfactorily with UDP policies B11, B13 and B14.

#### 7) Land Contamination

UDP policy EN14 dictates that where development is proposed on land which there is reason to believe 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. Where the degree of contamination would allow development subject to preventative, remedial or precautionary measures within the control of the applicant, planning permission will be granted subject to conditions specifying the measures to be carried out.

The application is accompanied by a Phase 1 Investigation in respect of land contamination. Given the sensitivity of the proposed end use i.e. residential accommodation, the Environmental Health Team has recommended further intrusive investigation be carried out to ensure that contaminated made ground is not present on the site. Further soil testing, information in respect of unrecorded mine workings and the potential for ground gas is also required. Subject to the imposition of conditions requiring the submission and approval of satisfactory information in this regard should Members be minded to approve the application, the proposal is considered to comply satisfactorily with UDP policies EN14.

#### 8) Other Issues

A number of issues have been raised by objectors which do not sit comfortably beneath any of the headings set out in the main body of this report above.

The query raised over the positioning of the site boundary adjacent to Parkway has been considered in light of the declaration signed by the architect acting on behalf of the applicant that the applicant owns all of the land within the red line boundary shown on the submitted location plan. The query appears to arise from

the fact that a strip of land between the existing boundary fence and the back of the pedestrian footway of Parkway. This area of land was purchased by the owners of 3 Buckland Close and the land is now registered as such with HM Land Registry. On this basis, it is considered that the declaration made on behalf of the applicant in respect of land ownership is correct, albeit the applicant has decided not to enclose the additional land into the curtilage of 3 Buckland Close.

Considerations of the suitability of the sewerage network appear to have been considered by Northumbrian Water and it is advised that subject to the imposition of a condition on any planning permission should Members be minded to approve the application, that these matters can be satisfactorily dealt with. Any future application for Building Regulations Approval would also further consider sewerage matters as appropriate.

The fact that the land has been advertised for sale as a potential development opportunity notwithstanding that planning permission has not been granted is not a consideration in the determination of the application. This would be a matter for the applicant to address with any potential purchasers responding to the advertisement of the land for sale. It is also noted that the estate agent advertisement that the land was for sale makes reference to outstanding planning matters.

In respect of property values, the planning system does not exist to protect the private interests of one person against the activities of another, although private interests may coincide with the public interest in some cases. The basic question is not whether owners and occupiers of neighbouring properties would experience financial or other loss from a particular development, but whether the proposal would unacceptably affect amenities and the existing use of land and buildings which ought to be protected in the public interest. Thus, the potential devaluation of property as a result of a planning decision is not considered to be material in the determination of a planning application, but any loss of amenity to a property as a result of a proposed development, would be. This issue has been considered in detail above, where it was concluded that the proposal would not cause sufficient detriment to residential amenity so as to warrant a refusal of the application.

Concerns have been raised that the proposed development would cause a nuisance in the area. The specific nature of the alleged nuisance is not stated, however the it is assumed that this would relate to the construction period. Certain levels of disturbance are always likely to result during the construction of any form of development. Notwithstanding this, subject to adherence to the recommended construction practices asset out by the Environmental health Team, it is considered that the use of planning conditions could mitigate disturbance during construction to an acceptable level should Members be minded to approve the application.

One of the comments made in objection relates to procedural matters and the handling of the application process. A view has been expressed that the previous planning application should have been determined to resolve the situation in respect of this site. The previous application was withdrawn by the applicant in order to consider comments offered by the Local Planning Authority setting out a series of concerns with the proposal. The applicant cannot be prevented from withdrawing an application and re-submitting a revised proposal. The Local Planning Authority is duty bound to consider the revised application.

Concern has been raised about the provision of additional family homes in that it could place further pressure on already over-subscribed local schools. In this regard, it should be noted that the proposal is a minor planning application and relates to the provision of five dwellings. It is not considered that the impact of an additional five dwellings upon the availability of school places in the area would be unacceptable so as to warrant refusal of the planning application on that basis.

It has been suggested in one of the representations that the Local Planning Authority should issue guidance to the applicant on the amount of development which is considered to be appropriate in order to provide the applicant and neighbours greater certainty in respect of what level of development would be acceptable. The duty of the Local Planning Authority is to consider schemes which are put forward as applications for planning permission as per the assessment being carried out in respect of this application. The assessment can only be carried out on the basis of plans submitted by the applicant and this is the manner in which this application has been considered.

In respect of wildlife, the proposal does not seek the removal of any of the trees protected by TPO47 other than two which have been identified by the applicant's arborist as to be removed in the interests of good arboricultural practice. The Tyne and Wear Validation Checklist sets out a variety of circumstances in which an assessment of ecological issues will be required to be submitted in support of an application for planning permission. This requirement was considered at the time of validation of the application, but it was not considered that a request for an ecological assessment could be justified based on the location and the nature of the proposed development.

## **Conclusion**

The proposal is considered to represent an overly intensive form of development within a private residential garden which does not respect the established character of the area. The density of development proposed is considered to be overly intensive when considered in the context of the nearby existing streets which contain dwellings of similar character to those proposed by this application - Buckland Close, Cooks Wood, Shap Close and Whitby Drive.

The proposed development is considered to create conditions which would be harmful to the amenities of occupiers of existing adjacent dwellings. In particular, it is considered that 28 Whitby Drive would be adversely affected by the overbearing appearance of plots 1 and 2 and 3 Buckland Close would be adversely affected by virtue of the presence of plot 4.

The proposed layout would result in an unacceptable level of residential amenity being afforded to future occupiers of the proposed dwellings. In particular, the inadequate separation distance between front elevations of the dwellings plots 2 and 4 is considered likely to be harmful to future amenity, whilst the presence of protected trees along the southern boundary is considered likely to be detrimental to the amenities of occupiers of plots 1-3 given their close proximity.

The proposed point of access to the development is considered to be unacceptable and would create conditions prejudicial to highway safety due to its inadequate separation from the existing access to Glastonbury on the opposite side of Parkway.

The construction of dwellings within the root protection areas of protected trees on the site is considered to be detrimental to the health and long term viability of the trees. In addition, notwithstanding any harm which would occur in the construction period, should the dwellings be erected in such close proximity to the trees, the future relationship between the proposed dwellings and the trees is such that there would likely be pressure to carry out works to or remove these trees from the future residents of the proposed dwellings.

For the reasons set out above, it is recommended that Members refuse planning permission for the proposed development.

## **RECOMMENDATION: Refuse**

### **Reasons:**

- 1 The proposal is considered to represent an overly intensive form of development within a private residential garden which does not respect the established character of the area or the density of surrounding comparable housing developments. The proposal is therefore considered to represent a development which is inappropriate in its context. The proposal is therefore considered to be detrimental to the amenity and established character of the area and is contrary to the aims of paragraphs 17, 53, 56 and 64 of the National Planning Policy Framework and policies B2, H4 and H22 of the Unitary Development Plan.
- 2 The siting of the dwellings proposed on plots 1 and 2 is considered to create conditions which would be harmful to the amenities of occupiers of the existing adjacent dwelling, 28 Whitby Drive by virtue of appearing overbearing when viewed from the front and rear garden areas of this existing property. The proposal is therefore considered to be detrimental to residential amenity and contrary to the aims of paragraphs 17 and 53 of the National Planning Policy Framework and policies B2 and H22 of the Unitary Development Plan.
- 3 The siting of the dwelling proposed on plot 4 is considered to create conditions which would be harmful to the amenities of occupiers of existing adjacent dwelling, 3 Buckland Close by virtue of its close proximity and overbearing appearance when viewed from the rear windows and garden area of this existing property. The proposal is therefore considered to be detrimental to residential amenity and contrary to the aims of paragraphs 17 and 53 of the National Planning Policy Framework, policies B2 and H22 of the Unitary Development Plan and Section 10C of the adopted Residential Design Guide Supplementary Planning Document.
- 4 The proposed layout would result in an unacceptable level of residential amenity being afforded to future occupiers of the proposed dwellings on plots 2 and 4 by virtue of inadequate separation distance being provided between the front elevations of these properties. The proposal is therefore considered to be detrimental to residential amenity and contrary to the aims of paragraphs 17 and 53 of the National Planning Policy Framework, policies B2 and H22 of the Unitary Development Plan and Section 10C of the adopted Residential Design Guide Supplementary Planning Document.

- 5 The proposed layout would result in an unacceptable level of residential amenity being afforded to future occupiers of the proposed dwellings on plots 1-3 by virtue of the presence of trees (protected by Tree Preservation Order 47) along the southern boundary, which is considered to limit the availability of light to the main windows contained in the rear elevations of the dwellings proposed on these plots and to their rear garden areas to an unacceptable level. Furthermore should the dwellings be erected in the positions proposed by this application, the future relationship between the proposed dwellings and the trees is such that there would likely be pressure to carry out works to or remove these trees from the future residents of the proposed dwellings, which would be detrimental to the long term viability of the protected trees. The proposal is therefore considered to be detrimental to residential amenity and visual amenity and contrary to the aims of paragraphs 17 and 53 of the National Planning Policy Framework and policies B2, CN17 and H22 of the Unitary Development Plan.
- 6 The proposed point vehicular and pedestrian access to the development is considered to be unacceptable and would create conditions prejudicial to highway safety due to its inadequate separation from the existing access to Glastonbury on the opposite side of Parkway. As such, the proposal is considered to be unacceptable and contrary to the aims of policy T14 of the Unitary Development Plan
- 7 The construction of the dwellings proposed on plots 1-3 would require works to take place within the root protection areas of trees which are subject to Tree Preservation Order 47. Such works are considered to be detrimental to the health and long term viability of the trees and as such, the proposal is considered to be unacceptable and contrary to the aims of policy CN17 of the Unitary Development Plan.

**Reference No.:** 14/01589/FUL Full Application

**Proposal:** **Erection of an Extra Care Housing comprising the construction of 79 apartments for the elderly complete with communal lounge, restaurant, laundry, hair salon, parking and external secure garden. (Amended Plans received 19.09.2014)**

**Location:** Former London Inn Spout Lane Washington NE37 2AB

**Ward:** Washington North

**Applicant:** Galliford Try Partnerships North/Riverside

**Date Valid:** 4 July 2014

**Target Date:** 3 October 2014

## **PROPOSAL:**

### **INTRODUCTION**

Planning permission is sought for the erection of an Extra Care Housing scheme on land at Spout Lane, Washington. The site was formerly occupied by The London Inn nightclub (previously the Washington Miners Welfare Hall) and still houses a restaurant. There is also a detached dwelling, all of which would be demolished to make way for the new development.

The supporting statement submitted with the application specifies that the background to the application is the ageing population in Sunderland, as identified by Sunderland City Council's Adult Services Department (Enabling Independence delivery Strategy, June 2011), with an increase in expected number of older people with dementia. The proposal would partly address the need to provide specialist accommodation and involves the provision of 79 no. General Needs Extra Care Apartments (30 no. 1 bed and 49 no. 2 bed units) with associated communal facilities, 26 parking spaces, and a centrally located secure courtyard garden area. The accommodation would be provided mainly for the elderly with care needs and is to comprise 100% affordable rents.

The site itself lies immediately north of Washington School and is east of Albany Park. To the north lies the Washington Football Club, comprising a number of sports pitches and a club house. There are a number of residential dwellings on the opposite side of Spout lane to the west, and adjacent to the south east boundary. Access to the site is via Spout Lane along which there is a public bus service providing a link to Concord and beyond and pedestrian footpaths are also available along the surrounding road network. The majority of the site is hard surfaced although there is a tree belt along the west boundary and a line of trees along the north boundary.

### **PROPOSAL**

The footprint of the proposed building is loosely designed in the form of an 'H'. It is positioned centrally within the site, which is roughly a square shape, with car parking provided within one central area towards the eastern end, adjacent to

Spout Lane. The central core of the building forms the main communal area of the development at ground floor level with various facilities including hairdresser, treatment rooms, lounge and restaurant opening onto a garden area to the rear (west) of the site. Such facilities would be available both to the residents and to the wider community. Residential wings are proposed to the north and south of the communal area. It is envisaged that there may be up to 130 people residing in the complex given the stated mix of single and double rooms.

As far as scale is concerned the building has three storeys and is 12.8 m high. Each of the two residential wings measure 30 m and 31.8 m in length and 19 m and 17 m in width respectively. The main elevations of each wing are staggered along their length, as is the front elevation of the wing to the north. The communal area that links the two residential wings is set back from the Spout Lane elevation by at least 15 m. Along the south boundary the building is positioned 19 metres away from the neighbouring residential dwelling to the south east. The materials to be used include a mixture of facing brickwork, render and tiles with white double glazed doors and windows. Externally, a footpath is shown around the south of the building which gives access to the private and secure garden to the west of the complex. Several trees are proposed to be removed from the substantial tree belt to the west of the site to enable light into the development and the garden area along with a few specimens to the north and east boundaries. Boundary finishes would include 1.2 m high steel railings to the Spout Lane boundary with a varying height fence/rail between 1.2 and 2 m high to the north boundary and a 2 m high timber boarded fence to the south and west boundaries. External lighting and security cameras are proposed to comply with Secured by Design. Full details have not been submitted with the application but may be requested by way of conditions should planning permission be forthcoming.

The application has been accompanied by the following documents:

Design and Access Statement  
Sustainability Statement  
Statement of Community Involvement  
Residential Travel Plan  
Transport Statement  
Extended Phase 1 and Bat Survey  
Surface water Management Analysis  
Ground Investigation report  
Arboricultural Impact Assessment Report

These documents are considered further below.

The application had been amended twice since its submission in an attempt to address the objections raised by a neighbouring resident.

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

Press Notice Advertised  
Site Notice Posted  
Neighbour Notifications

## **CONSULTEES:**

Network Management  
Washington North - Ward Councillor Consultation  
Network Management  
Director Of Health, Housing And Adult Services  
Environmental Health  
Washington North - Ward Councillor Consultation

Final Date for Receipt of Representations: **15.10.2014**

## **REPRESENTATIONS:**

Neighbours - one letter of objection has been received as a result of the consultation process. In summary, the neighbouring occupier to the south east of the site, who shares a boundary wall with the site, raises concerns about the following:-

- The occupier of Trenithia Croft was not notified of the consultation event that was held by the applicant, contrary to the statement made in the submitted Statement of Community Involvement and was unable to attend.
- Statements made in the submitted Design and Access Statement are misleading, or incorrect, in respect of the proximity of the objectors dwelling to the application site, and the impact of the development on it.
- The kitchen window of the objector's property faces north, directly overlooking the development site. The new building is to be 13 metres high whereas the existing building is approximately 6 m high, and the Council's adopted spacing standards of 26 m between main facing windows cannot be met by the proposed scheme.
- The development will be visible from both front and rear rooms of the dwelling as it extends beyond the front and rear building line of the property. The existing building does not extend beyond the front building line.
- Due to the above there will be loss of natural light, privacy and domination of outlook and the proposal constitutes overdevelopment of the site.
- A coal mining risk assessment should be carried out to assess from a subsidence point of view.
- The proposed plant room on the southern edge of the building would be close to the boundary wall and may cause noise and disturbance in the neighbouring property. Conditions should be imposed on any grant of permission to ensure nuisance does not occur.
- Whilst the scheme has been modified and the distance between the dwelling and the development has been increased to 19 m this is still less than the 26 m guideline for 3 storey development. The front building line of the development should also be brought back in line with the objector's property and the roof reduced in height closest to the neighbouring dwelling.

At the time of writing this report, a further amendment to the scheme has been received that shows deletion of several windows in 3 apartments along the gable end of the development facing the objector's property. Should any response be received to the neighbour consultation this will be reported to Committee on a



Supplementary Report. The objector has indicated, without prejudice, that should satisfactory modifications be made to the scheme the above objections may be overcome.

Washington Heritage Alive have agreed with the applicant that the main doorway and original sign of the former club building is to be retained following demolition and stored by Sunderland City Council for re-use in a future project.

Planning Implementation - No objection in principle. Final comments are awaited regarding the acceptability or otherwise of the design aspects of the amended scheme.

Environmental Health - comments awaited.

Natural Heritage Team - comments awaited.

Network Management - No objection subject to a Section 278 Agreement being entered into in respect of any required works within the highway.

## **COMMENTS:**

### **ISSUES TO CONSIDER**

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 sets out a series of 12 'core planning principles' which should underpin plan-making and decision-taking and are considered to contribute to the over-arching aim of delivering sustainable development. Particularly relevant in this case are the principles that development should:

- proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs,
- encourage the effective use of land by re-using land that has been previously developed (i.e. brownfield land),
- always seek to secure a high quality design and a good standard of amenity,
- take account of the different roles and character of different areas,
- conserve and manage heritage assets in a manner appropriate to their significance, and
- contribute to conserving and enhancing the natural environment

Section 6 of the NPPF, meanwhile, sets out the Government's aim to deliver a wide choice of high quality homes, with paragraph 50 stating that Local Planning Authorities should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes).

These core principles of the NPPF feed into policies R1, R2, R4, EN10, EN14, H1, H4, H8, H14, H15, H16, H21, L7, B2, CN22, CN23, T14 and T22 of the

Council's adopted Unitary Development Plan (1998), which are relevant to the consideration of this application.

With reference to the above national and local planning policy background, it is considered that the main issues to examine in the determination of this application are as follows:

1. the principle of the proposed development;
2. the impact of the development on residential amenity;
3. the impact of the development on visual amenity and the character of the area;
4. the implications of the development in relation to ecology;
5. the impact of the development on highway and pedestrian safety;
6. the implications of the development in respect on land contamination.

#### 1. Principle of development

The development site is not allocated for a specific land use on the proposals map of the adopted UDP and as such, policy EN10 is applicable. This advises that where there is no specific land use allocation, the existing pattern of land use is intended to remain; new development proposals must respect the prevailing land uses in the neighbourhood.

Also relevant are UDP policies H1, which supports the provision of new housing, especially where it secures the re-use of vacant and derelict land and H8, which states that 'windfall' housing development proposals (i.e. housing schemes on land not formally allocated for new housing) must not compromise the aims and objectives of other relevant policies within the UDP, including those relating to housing provision targets. Meanwhile, policies H14 and H15 state that the City Council will seek to secure the provision of 'special needs housing', including for people with learning disabilities and the disabled, and encourage housing to be designed to cater for the needs of those with limited mobility

Although not subject to a formal land-use allocation by the UDP, the site is, given its previous use as a club a 'brownfield' site where development is to be encouraged. With regard to the suitability of the proposed residential use, as noted in the first section of this report, the immediate surroundings of the site are mixed use in character, but there are dwellings facing the site from across Spout Lane to the east and also immediately to the south east. Consequently, it is considered that a residential development of this site would not conflict with the existing pattern of land use and is acceptable in principle.

As noted earlier, the land is not allocated for housing development by the UDP and as such is classed as a 'windfall' site and would create 79 general needs extra care apartments. The appropriateness of this density of development in respect of the prevailing built form of the locality will be considered later in this report, but in more general terms of housing numbers, the density is considered to be acceptable.

With regard to the above comments, it is considered that a residential development of the site is acceptable in principle and will contribute to the supply of specialised and accessible supported housing in this area of the City. The proposal therefore accords with the core principles and Section 6 of the NPPF, which expect development proposals to effectively re-use land and contribute to

the supply of housing, including for those with disabilities and other needs, and the requirements of policies EN10, L7, H1, H8, H14 and H15 of the UDP.

In addition to the above, in line with the requirements of paragraph 50 of the NPPF, policy H16 of the UDP states that the Council will negotiate with developers, on the basis of site suitability, for elements of affordable housing to be provided on major new housing sites. The Council's most recent Strategic Housing Market Assessment (SHMA) and Economic Viability of Affordable Housing Requirement Study identify a need for 10% affordable dwellings on site at a 75% social rented/25% intermediate split.

To this end, all of the proposed residential accommodation is aimed at older and more vulnerable adults with rental levels to be agreed with the City Council at 'affordable' levels. It is therefore considered that the usual affordable housing requirements are met in respect of this particular proposal. In addition, given the nature of the proposed occupiers of the scheme, it is considered that the proposal is unlikely to notably impact upon existing education and play space provision in the area. As such, there is no requirement for on-site play provision or a financial contribution to be made in respect of off-site play provision or educational facilities in relation to this development.

## 2. Impact of development on residential amenity

As has been mentioned above, an amended scheme has recently been submitted to address objections raised by an adjoining resident with regard to privacy distances, outlook and light. This is presently subject to a neighbour consultation exercise. Once the issue has been fully considered a further Supplementary Report will be provided prior to the Committee meeting to determine whether the amended scheme is acceptable from a residential amenity point of view.

## 3. Impact of development on visual amenity and the character of the area

An assessment of the impact of the proposal on visual amenity will be made once the amended scheme has been fully assessed, as above.

## 4. Implications of development in relation to ecology

Section 11 of the NPPF sets out a general strategy for the conservation and enhancement of the natural environment, and it advises that the planning system should recognise the wider benefits of ecosystem services and minimise impacts on biodiversity and provide net gains in biodiversity where possible. Policies CN22 of the UDP state that development proposals which would adversely affect any animal or plant species afforded special protection by law, or its habitat, will not be permitted unless mitigating action is achievable. Policy CN23 seeks to ensure that all new development does not adversely affect designated Wildlife Corridors (of which this site is one).

In this case, the application has been accompanied by an Extended Phase 1 and Bat Survey (July 2014), produced by E3 ecology Ltd. Comments on the survey are awaited from the Natural Heritage team and these will be reported on the Supplementary Report prior to Committee.

## 5. Impact of development on highway and pedestrian safety

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

In response to consultation, the Council's Network Management team has raised no objections to the scheme, and therefore the proposed parking levels and access arrangements are adequate for the proposed use.

Given the above, it is considered that the proposals raise no concerns in respect of highway and pedestrian safety, in accordance with the requirements of policies T14 and T22 of the UDP.

## 6. Implications of development in respect of land contamination

Policy EN14 of the UDP states that where development is proposed on land where there is reason to believe 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. Where the degree of contamination would allow development subject to preventative, remedial or precautionary measures within the control of the applicant, planning permission will be granted subject to conditions specifying the measures to be carried out.

The Geo-Environmental Appraisal Report submitted with the application is currently being assessed by the Environmental Health Team and their findings will be reported on the Supplementary Report prior to the Committee meeting.

## **CONCLUSION**

Consideration is still being given to the implications of the development in relation to impact on residential and visual amenity, contaminated land and ecology issues. It is anticipated that full consideration of this matter will be completed shortly and will be reported on a Supplementary Report. The Supplementary report will also provide a recommended decision and details of suggested conditions.

## **RECOMMENDATION: Deputy Chief Executive to Report**

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**Reference No.:** 14/01623/FUL Full Application

**Proposal:** **Erection of an extension to the side (east elevation) of the existing unit.**

**Location:** BM Stafford And Son Hetton Lyons Industrial Estate Hetton-le-Hole Houghton-le-Spring DH5 0RH

**Ward:** Hetton

**Applicant:** BM Stafford & Sons Ltd

**Date Valid:** 5 September 2014

**Target Date:** 31 October 2014

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## **PROPOSAL:**

The site to which the application relates is the industrial premises of BM Stafford in Hetton Lyons Industrial Estate. A mix of industrial uses surround the application site within Hetton Lyons and Pearsons Industrial Estates whilst to the north is Hetton Lyons Country Park to which pedestrian access is afforded via a path from the Industrial Estate.

Planning permission is sought for the erection of an extension to the side (east) elevation of the building. The proposed extension would measure 32.5 metres long, 21 metres wide, 6 metres high to the eaves and 8.813 metres high to the ridge. The proposed internal floor area of the new extension is stated as being 627.38 square metres. The extension would comprise a steel framed industrial building clad in plasticol coloured wedgewood blue. The additional floor space is required to cater for commitments generated by the company's current workload and also to allow for further expansion. The submitted information suggests that five additional members of staff will likely be recruited as a result of the proposed expansion which would be facilitated by the proposed extension.

## **TYPE OF PUBLICITY:**

Site Notice Posted  
Neighbour Notifications

## **CONSULTEES:**

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

Final Date for Receipt of Representations: **15.10.2014**

## **REPRESENTATIONS:**

Neighbours

To date, no representations have been received.

Consultees

### Network Management

The Network Management Team has offered a series of comments in respect of the application as follows:

#### **EXISTING PARKING**

It appears that an existing staff/visitor car park is to be removed as a result of the proposal. Clarification is required of the number of spaces lost and a plan should be provided showing the spaces re-located within the site. The applicant should also demonstrate parking provision for the site can meet the demands of the business.

#### **PROPOSED PARKING**

In addition to the spaces to be re-located, the extension for an additional 627 square metres of B2 use would require an additional 13 car parking spaces to be shown on the parking layout for the site.

#### **STAFF**

It is noted that 5 additional staff are proposed. Parking arrangements should be clarified.

### Environmental Health

It is apparent that the proposed site has previously accommodated an industrial activity that may have resulted in contamination of the land and as such further information is required to determine the condition of the land.

Consequently a comprehensive desktop study and site investigation should be carried out to ascertain whether the land is contaminated. The survey should be completed in accordance with a recognised code of practice for site investigations i.e. BS 10175:2001 or DETR Contaminated Land Research Reports. ICRL Guideline Values have been withdrawn and should no longer be used.

If a hazard or hazards are identified on the site from any form of contaminant, the results of the survey shall be utilised to undertake a site specific risk assessment to consider risks to water resources, surrounding land, wildlife, building materials, future users of the site and any other persons. The risk assessment shall be undertaken using the contaminant, pathway, receptor principle.

No works other than investigation works shall be carried out on the site prior to the receipt of written approval of any remediation strategy by the authority.

The responsibility for the safe development of the site rests with the developer.

In view of the close proximity of the proposed development to nearby noise sensitive premises the applicant should make application for prior consent in respect of work on construction sites under the Control of Pollution Act 1974, Section 61 to City Services Department, Pollution Control Section. Application should be made prior to the commencement of any works.

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

Consideration should be given to the selection of machinery and methods of operation in relation to noise generation. In instances where noise cannot be controlled at source by the appropriate selection of plant, equipment and work methods British Standard 5228-1 and British Standard 5228-2, which address noise on construction sites, should be followed.

Regard should be had to the following to minimise noise emissions:

- o the condition of the machinery to be used, e.g. efficient engines, silencers and covers and compliance with manufacturer's maintenance requirements
- o siting of the machinery e.g. the use of available shielding such as walls or buildings, the judicious placing of materials stores and distance from noise sensitive premises
- o substitution of machinery, e.g. the use of valve compressors in place of reciprocating compressors, electric power instead of internal combustion power
- o substitution of methodology, e.g. pressured bursting instead of percussion methods and the use of an enclosed chute to lower materials instead of dropping or throwing

Vibration from construction operations should not be experienced at nearby residential properties and the provisions of British Standard 6472:1992, Evaluation of Human Exposure to Vibration in Buildings, must be taken into account. Additionally the Council may require that vibration levels be monitored in sensitive locations should neighbouring premises be affected

Provision should be made for the reasonable prevention of dust generation, and where this is not possible adequate dust suppression management should be applied. As such a suitable and constant supply of water (mains supply or water bowsers in sufficient numbers) adequate for dust suppression purposes must be provided to the site. Dust suppression by water should use a dispersal point close to the position of dust generation in order to be more effective in both dust suppression and minimising the volume of water used, and thus run-off.

Where dust is likely to arise from construction activities occur means of removing that dust should be planned and provided, such as water hoses, road sweepers and window cleaners, as appropriate.

Stockpiles of waste materials arising from the or in connection with the construction process shall be dampened down to reduce fugitive dust emissions from the site.

The emission of dark smoke from the burning of combustible material on site shall be prohibited. All other burning shall be prohibited unless it is inappropriate to dispose of the material in any other manner. In this instance provision should be made for the control of smoke through the effective control of burning materials on site.

## **COMMENTS:**

The main issues to consider in determining this proposal are:

- i) Principle of the development.
- ii) Design and amenity issues.
- iii) Access and highway issues
- iv) Wildlife Considerations
- v) Environmental Issues

### **Principle of the development**

Policies EC4 and HA1.7 of the adopted Unitary Development Plan (UDP) identify the area in which the application site is located as an established industrial estate, in this case Hetton Lyons which extends to 23.87 Hectares. The UDP identifies the primary allocated uses of the estate as being for offices, research & development, light and general industry, warehouses and storage (Uses falling within Use Classes B1, B2 and B8 of the Town and Country Planning (Use Classes) Order) which should be retained and improved.

As the proposal is for a new extension to the building to facilitate an expansion to the existing building, the use of which falls within Use Class B2 (General Industry) of the Use Classes Order and as such, the proposed development is considered to be acceptable as it falls within the primary acceptable uses as allocated for Hetton Lyons Industrial Estate.

In light of the above, the proposal is considered appropriate in terms of land use, as it represents an extension to an existing building which is and would continue to be used for one of the primary uses allocated for the industrial estate. The proposal therefore accords with UDP policies EC4 and HA1.7 as detailed.

### **Design and amenity issues**

Policy B2 of the Unitary Development Plan which dictates that the scale, massing, layout or setting of new developments should respect and enhance the best qualities of nearby properties and the locality and should relate harmoniously to adjoining areas.

In this regard, the proposal is for the erection of an extension to an existing industrial building in an area allocated for industrial purposes. The submitted design shows an extension which adequately reflects the design and appearance of the existing building and also a number other buildings on adjacent plots within the industrial estate. Furthermore, to the north, a low profile building of similar



design and appearance stands within Hetton Lyons Country Park. When viewed from the park, the new building would be viewed against the backdrop of other industrial premises, which is considered to be acceptable. Given the context of the application site, the proposed building is considered to be acceptable in terms of visual amenity subject to the use of appropriate construction materials, which can be ensured by way of planning condition should Members be minded to approve the application.

In respect of the closest residential properties, these are showman's quarters located in Austerfield Park, Pearsons Yard, which are located in excess of 90 metres away from the proposed extension to the west and which would be screened by the existing building. This separation distance is considered to be sufficient in order that the amenities of the closest adjacent residents are not likely to be harmed by the proposal.

The proposed development is considered to be acceptable in respect of design and amenity issues and the proposal is considered to accord satisfactorily with UDP policy B2.

#### Access and highway issues

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

As set out above, the Network Management Team has requested that the applicant provide additional information in respect of car parking arrangements associated with the site. This information has been requested from the agent, but had not been received at the time of preparing this report. It is anticipated that the acceptability of the proposal in respect of access, highway and parking issues will be reported to Members through preparation of a supplementary report.

#### Wildlife Considerations

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

The impact of the proposal on the interests of nature conservation remains under consideration given the siting of the proposed development in a wildlife corridor as identified by the UDP proposals map.

#### Environmental Issues

UDP policy EN1 seeks to secure improvements to the environment through minimising all forms of pollution.

UDP policy EN14 dictates that where development is proposed on land which there is reason to believe 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. Where the degree of contamination would allow development subject to preventative, remedial or precautionary measures within the control of the applicant, planning permission will be granted subject to conditions specifying the measures to be carried out.

The comments offered by the Environmental Health Team are such that it is considered that subject to the imposition of conditions requiring the submission and approval of further information in respect of land contamination and the adoption of suitable working practices during construction, the proposal accords satisfactorily with the requirements of UDP policies EN1 and EN14.

#### Conclusion

The acceptability of the proposal in respect of highway and wildlife matters remains under consideration. It is anticipated that these considerations will be completed in order to allow a recommendation to be made to Members in respect of the determination of this application by way of a supplementary report.

**RECOMMENDATION: Deputy Chief Executive to Report**

**Reference No.:** 14/01675/LAP Development by City(Regulation 3)

**Proposal:** **Installation of an electric barrier at school gates (Retrospective)**

**Location:** Rickleton Primary School Vigo Lane Washington NE38 9EZ

**Ward:** Washington South

**Applicant:** Sunderland City Council - Peoples Services

**Date Valid:** 3 September 2014

**Target Date:** 29 October 2014

## **PROPOSAL:**

The site to which the application relates is that of Rickleton Primary School and is accessed from Vigo Lane. The site is presently enclosed by a 2 metre high palisade fence painted black whilst trees and shrubs mark the boundary. At the time of the site visit the proposed barrier was installed and as such the application is retrospective.

Planning permission is sought for the installation of an automatic traffic control barrier at the entrance to the school. The barrier is installed adjacent to the pedestrian access gates set back substantially from the highway to the front, allowing a vehicle to park clear of Vigo Lane in front of the barrier.

The barrier is made predominately from steel powder coated red whilst the top cover is to be constructed from stainless steel powder coated white. The boom is to contain a pair of lights which change between red and green depending on whether the barrier was opened or closed.

The barrier would be controlled via 1 no. proximity access control reader mounted to a free standing pedestal. The free standing pedestal is to be located on the right hand side so users do not need to leave their vehicles to operate the barrier. In addition 1 no. audio intercom door station complete with digital keypad will be located on the free standing pedestal whilst 1 no. audio handset will be located in the reception area. The total width of the barrier arm and associated control bollard is approximately 4 metres. The barrier is to have a height of 1.2 metres in the closed position and 5 metres when open.

## **TYPE OF PUBLICITY:**

Site Notice Posted  
Neighbour Notifications

## **CONSULTEES:**

Washington South - Ward Councillor Consultation  
Network Management

Final Date for Receipt of Representations: **06.10.2014**

## **REPRESENTATIONS:**

### Neighbours

No representations have been received from the occupiers of neighbouring properties upon the expiry of the consultation period.

### Consultees

### Network Management

The Network Management Team has offered no observations or recommendations in connection with the proposal.

## **POLICIES:**

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

B\_2\_Scale, massing layout and setting of new developments  
EN\_10\_Proposals for unallocated sites to be compatible with the neighbourhood  
T\_14\_Accessibility of new developments, need to avoid congestion and safety problems arising  
L\_7\_Protection of recreational and amenity land

## **COMMENTS:**

The main issues to consider in determining this proposal are:

- i) Principle of the development.
- ii) Design and amenity issues.
- iii) Highway issues.

### Principle of Development

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

The application site is subject to policy L7 of the adopted UDP, which dictates that land allocated for open space or outdoor recreation will be retained in its existing use. This includes playing fields attached to schools or other educational establishments. Permission for other uses on these sites will only be granted if:

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

The proposal is aimed at providing improved security at the school entrance. It does not impact on the character of the land use, the usability of the school buildings or the playing fields and is considered to accord with UDP policies EN10 and L7 as set out above. The principle of the development is considered to be acceptable.

#### Design and amenity issues

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

In this regard, the barrier is set well back from Vigo Lane in a position previously occupied by metal side hung vehicular gates. The location of the barrier is screened by the existing boundary treatment and planting along the frontage of the School which limits its visibility from public vantage points.

The nearest residential properties are numbers 4 and 5 Harthope Close and whilst rear windows face the school entrance the barrier is screened by substantial planting and is located approximately 34 metres away. Given this distance and the substantial level of planting and screening, it is not considered that the proposed barrier would impact unacceptably upon the amenities of occupiers of the nearby properties so as to warrant a refusal of planning permission.

For the reasons set out above, the design, siting and associated amenity issues are considered to be adequately addressed in accordance with UDP policy B2.

#### Highway issues

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

In response to consultation, the Network Management Team has offered no observations or recommendations in connection with the proposed development. The proposal is therefore considered to be acceptable in terms of highway and pedestrian safety and is considered to accord satisfactorily with UDP policy T14.

#### Conclusion

In light of the above, the development is considered to be acceptable in terms of all relevant material planning considerations. It is recommended that Members should be minded to grant consent, in accordance with Regulation 3 of the Town and Country Planning General Regulations 1992

#### **RECOMMENDATION: Grant Consent Under Regulation 3**

**Conditions:**

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

Drawing No. 0513018/ARCH/100: Access barrier as proposed inclusive of barrier elevations, location plan and site plan, received 03.09.2014

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

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**Reference No.:** 14/02026/TP3 Tree Preservation order LAP Reg 3

**Proposal:** **Removal of two sycamores T31 and T34.**

**Location:** Land At West Bridge Street Mount Pleasant Houghton-le-Spring

**Ward:** Washington East

**Applicant:** Sunderland City Council - Streetscene

**Date Valid:** 3 September 2014

**Target Date:** 29 October 2014

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### **PROPOSAL:**

Consent is sought for the removal of two sycamore trees on land at West Bridge Street, Mount Pleasant, Houghton-Le-Spring. The application has been submitted by the City Council as the land upon which the trees sit falls within Council ownership. As such the application is required to be determined by Committee.

The subject sycamores form part of a wider avenue of 76 trees which lie adjacent to the southern bank of the River Wear between Mount Pleasant and Fatfield. The trees were afforded protection in 2009 under Tree Preservation Order (TPO) 165 due to the collective visual contribution they are considered to make to the character and appearance of the local area.

The City Councils Arboriculturist has confirmed that whilst the subject Sycamores are in good health, they are overpowering the surrounding Whitebeams due to their size and positioning. The Councils Arborist has confirmed an intention to replace the removed Sycamores with 2no Whitebeams.

### **REPRESENTATIONS:**

Representations

Neighbours - No representations have been received.

### **POLICIES:**

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

CN\_17\_Tree Preservation Orders and replacement of trees

### **COMMENTS:**

The main issue to consider is whether the proposed works are reasonable and the assessment of the contribution of the tree to the character of the area.

Policy CN17 of the UDP is applicable in this instance and states that the City Council will encourage the retention of trees which make a valuable contribution

to the character of an area by the making of Tree Preservation Orders and replacing trees in highways and other public areas, with species that help maintain the character of the locality. The retention of trees, hedges and landscape features in all new development will be required where possible.

In accordance with the above, it is understood that the subject trees are having an adverse impact on the surrounding Whitebeams and that their selective removal will allow the surrounding trees to flourish. Without removal, the Sycamores will continue to have an adverse impact on the Whitebeams and such impacts will inevitably lead to their future demise and removal. On this basis and given that 2no Whitebeams are proposed as replacements, it is considered the felling of the subject Sycamores is appropriate and reasonable on this occasion. A condition will be attached to ensure that a planting schedule and timescale for implementation is submitted for agreement in writing prior to the removal.

In light of the above, the proposal is considered to be compliant with the requirements of policy CN17 of the City of Sunderland's adopted Unitary Development Plan (1998) and it is recommended that Members approve the application subject to the following conditions.

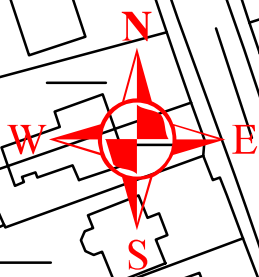
#### **RECOMMENDATION: Approve**

##### **Conditions:**

- 1 No tree shown to be retained on the approved plans shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 "Tree Work", in the interests of visual amenity and to comply with policy CN17 of the UDP.
- 2 This permission shall be for a limited period of 2 years from the date hereof and the works shall not be undertaken after the expiry of the period specified to ensure the protection of the amenity value of the tree and to comply with policy CN17 of the UDP.
- 3 Before the trees which are the subject of this application are felled, details of the location, size and species of the replacement planting shall be submitted to and agreed with the Local Planning Authority along with a timescale for the replanting, in the interests of visual amenity and to comply with policy CN17 of the UDP.



13/02770/LP4



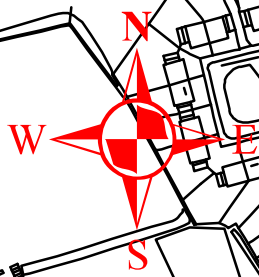
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14/00136/FUL

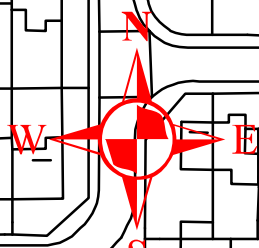


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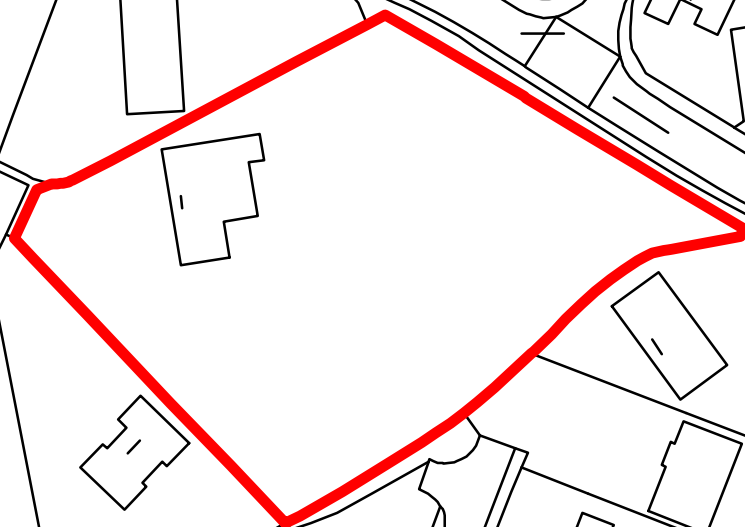
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14/01452/FUL



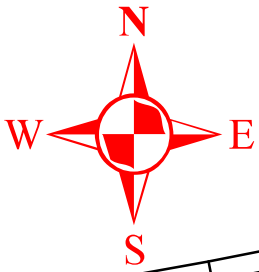
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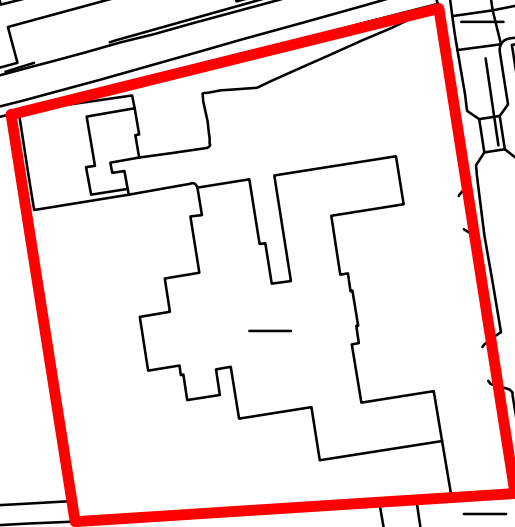
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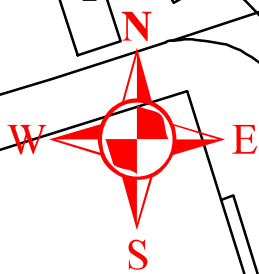


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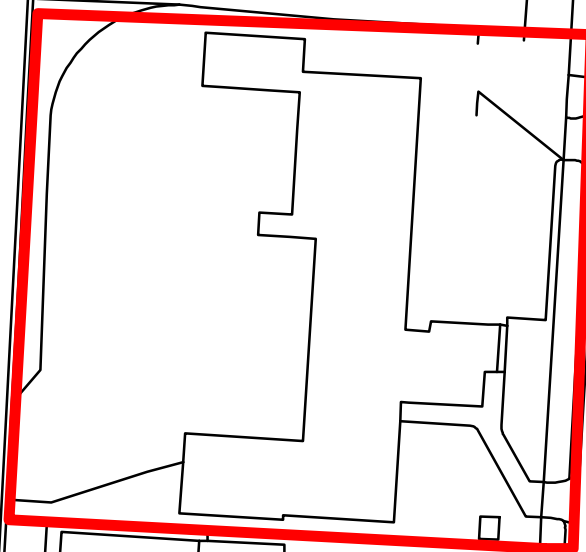
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14/01623/FUL



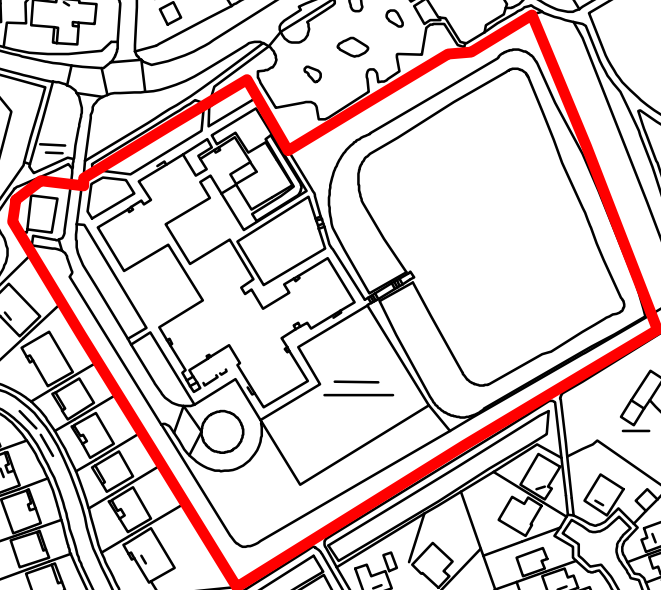
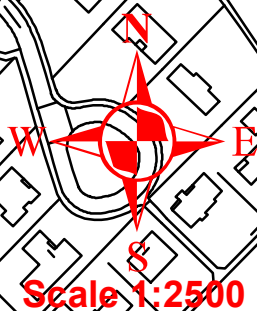
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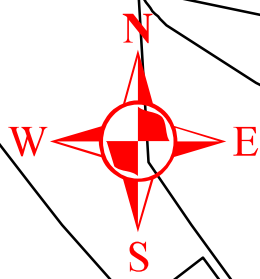
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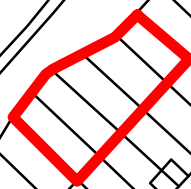
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14/02026/TP3



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## ITEMS FOR INFORMATION

LIST OF OTHER APPLICATIONS CURRENTLY ON HAND BUT NOT REPORTED ON THIS AGENDA WHICH WILL BE REPORTED WITH A RECOMMENDATION AT A FUTURE MEETING OF THE SUB COMMITTEE OR PLANNING AND HIGHWAYS COMMITTEE

	APPLICATION NUMBER AND WARD	ADDRESS	APPLICANT/DESCRIPTION	DATE SITE VISIT REQUESTED	LAST ON AGENDA	COMMENTS
1.	14/01100/LO4	Hetton Lyons Park Downs Pit Lane Hetton-le-Hole Houghton-le-Spring DH5 9NL	<b>Springboard North East</b>  Demolition of existing community training facility and construction of new single storey community training facility, incorporating classrooms, office, cafe, changing rooms, bicycle repair shop, equipment stores, minibus garage, and ancillary accommodation, with associated landscape works.	N/A	N/A	Pending Consideration
2.	14/01446/FUL	Barn/Garage to rear of 1-3 Doxford Avenue, Hetton-le- Hole	<b>Mr P Ruddick</b>  Change of use to residential property with erection of single storey extension to western elevation and erection of a first floor extension above existing building.	N/A	N/A	Pending consideration



## ITEMS FOR INFORMATION

LIST OF OTHER APPLICATIONS CURRENTLY ON HAND BUT NOT REPORTED ON THIS AGENDA WHICH WILL BE REPORTED WITH A RECOMMENDATION AT A FUTURE MEETING OF THE SUB COMMITTEE OR PLANNING AND HIGHWAYS COMMITTEE

3.	14/01647/FUL	Land North Of Redburn Row Houghton-le-Spring	<b>Persimmon Homes</b>  Erection of 70no. residential dwellings with associated infrastructure and landscaping.	N/A	N/A	Pending consideration
4.	14/01804/OUT	Land South Of Redburn Road And Black Boy Road Chilton Moor	<b>Mr John Bailey</b>  Outline application for residential development of Sites A & B consisting of 27 no. dwellings - approval sought for layout, scale & access.	N/A	N/A	Pending consideration

## ITEMS FOR INFORMATION

LIST OF OTHER APPLICATIONS CURRENTLY ON HAND BUT NOT REPORTED ON THIS AGENDA WHICH WILL BE REPORTED WITH A RECOMMENDATION AT A FUTURE MEETING OF THE SUB COMMITTEE OR PLANNING AND HIGHWAYS COMMITTEE

5.	14/01127/FUL	Connor Solutions Ltd 3 Gadwell Road, Rainton Bridge South	<b>Connor Solutions Ltd</b>  Erection of single-storey extensions to west side and east side / rear and two-storey extension to front and east side to provide 4234sq.m of additional floor space, provision of front entrance canopy, elevational alterations and new site access to front and creation of 88no. additional car parking spaces (AMENDED DESCRIPTION 01.10.2014)	N/A	N/A	Pending consideration
6.	13/04024/FUL	Our Lady Queen Of Peace R C School, Church And Presbytery Station Road Penshaw Houghton-le-Spring	<b>The Trustees Of RC Diocese Of Hexham And Newcastle</b>  Extensions to front, rear and sides of existing school comprising new classroom, nursery, office, administration and reception areas. Reconfiguration and extension of church car park including new tarmac hardstanding area to allow the provision of a total of 54 spaces incorporating pupil drop off area.		21.3.14	

## ITEMS FOR INFORMATION

LIST OF OTHER APPLICATIONS CURRENTLY ON HAND BUT NOT REPORTED ON THIS AGENDA WHICH WILL BE REPORTED WITH A RECOMMENDATION AT A FUTURE MEETING OF THE SUB COMMITTEE OR PLANNING AND HIGHWAYS COMMITTEE

			Alterations to existing vehicular access to church car park and creation of new separate vehicular access to the presbytery from Station Road. (Amended Description)			
7.	14/00090/FUL	Land To The East Of Former Broomhill Estate Hetton-le-Hole Houghton-le-Spring	<b>Barratt Homes</b>  Construction of 102 dwellings with associated garages, roads and infrastructure and public open space. Development to include stopping up of section of bridleway and change of use of section of bridleway to all purpose highway and provision of new crossing point for bridleway users.	N/A	N/A	Pending consideration
8.	14/01948/SUB	Land Off Herrington Road / Opposite The Stables West Herrington Houghton-le-Spring	<b>Mr Mark Green</b>  Outline Application to provide 10 no. executive dwellings (Resubmission)	N/A	N/A	Pending consideration

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Appeals Determined In September For  
Hetton/Houghton/Washington

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## Appeals Determined Hetton Houghton and Washington

Between 01/09/2014 and 30/09/2014

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Team	Ref No	Address	Description	Appeal Decision	Date of Decision
HO	14/00011/REF	Low HousePenshaw StablesPenshawHoughton- le-SpringDH4 7LB	Siting of a mobile home for accomodation purposes.	APPWIT	01/09/2014