

## **DEVELOPMENT PLAN**

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

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

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

## **STANDARD CONDITIONS**

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

## **SITE PLANS**

The site plans included in each report are illustrative only.

## **PUBLICITY/CONSULTATIONS**

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

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

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

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

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

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

Peter McIntyre

Executive Director Economy and Place

Reference No.: 17/01610/FU4 Full Application (Reg 4)

**Proposal:** Demolition of existing garage and construction of 14 no. dwellings with associated access and landscaping.  
(Amended Plans Received 12/01/2018).

**Location:** New Penshaw Garage/Formal Millco Premises Railway Terrace Coxgreen Road Penshaw Houghton-le-Spring

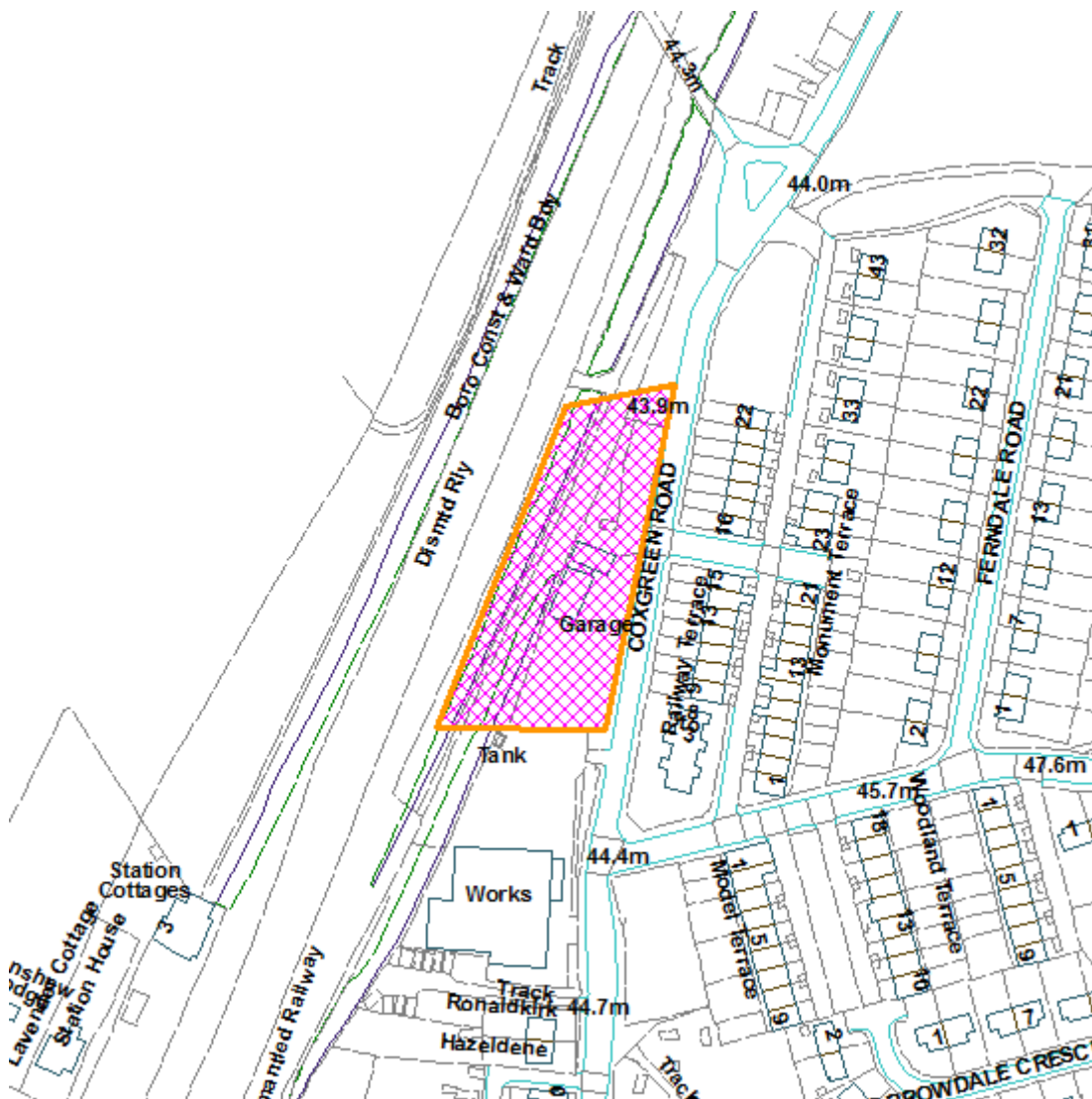
**Ward:** Shiney Row

**Applicant:** Mr Christie

**Date Valid:** 24 August 2017

**Target Date:** 23 November 2017

## Location Plan



## **PROPOSAL:**

Full planning permission is sought for the erection of 14no. two storey dwellinghouses with associated access and car parking on the site of New Penshaw Garage, Coxgreen Road, Penshaw.

The proposal involves residential development on the site of a car repair garage on Coxgreen Road, Penshaw.

The application site is roughly rectangular in shape and comprises approximately 0.37ha of land. The site is level towards its boundary with Coxgreen Road but slopes away towards the Leamside Line multi user route to the rear.

The area surrounding the application site is a mixture of residential to the east, in the form of primarily two storey terraced houses; industrial use to the immediate south of the site where Timbermate UK, a timber manufacturer is located; multi user route to the west in the form of the former Leamside Line and rough verge to the immediate north of the site.

## **TYPE OF PUBLICITY:**

Press Notice Advertised  
Site Notice Posted  
Neighbour Notifications

## **CONSULTEES:**

Environmental Health  
Environmental Health  
Network Management  
Shiney Row - Ward Councillors Consultation  
Shiney Row - Ward Councillors Consultation  
Network Management  
Environmental Health  
Northumbrian Water  
Flood And Coastal Group Engineer  
Southern Area Command - Police  
NE Ambulance Service NHS Trust  
Nexus  
Fire Prevention Officer  
Director Of Children's Services  
Public Rights Of Way Officer  
Network Rail  
Sustrans

Final Date for Receipt of Representations: **05.02.2018**

## **REPRESENTATIONS:**

5 letters of representation have been received in response to consultation in connection with this application.

1 representation has been received from Timberline UK which is located adjacent to the proposed development site. This representation is neutral but requests that the Local Planning Authority takes into account the continued requirements for unrestricted access and use of heavy goods vehicles daily to the Timberline Premises which are by their nature noise generating.

4 of the letters received are in objection to the proposed development and are from the occupier of 16 Railway Terrace, which is located opposite to the development site. The author of these letters states that the representations made are also on behalf of the occupiers of 14, 15 and 18 Railway Terrace (though it should be noted that no individual representations have been submitted from these addresses).

A letter dated 13 September 2017 forms the substantive grounds for objection to the proposal. Three further representations acknowledging amendments to the scheme but also reiterate the original points of objection made in the letter of 13 September 2017 and refer the LPA back to those points.

The representations submitted raise the following points:

- Land within the application site is not within the ownership of the applicant.

Applicant's for planning permission are not required to own the land which is the subject of their planning application. Any person, at any time can, apply for planning permission on any area of land. The approval of planning permission does not afford individuals the right to build on land in the ownership of others. Rather the development of the land which was the subject of the planning approval would become a civil matter between land owner and the prospective developer.

In this instance the area of the proposed development site adjacent to the Leamside Line is currently in the ownership of the City Council with negotiations regarding the transfer of ownership of the land being undertaken separately to the consideration of the planning application.

With reference to the area of land referred to in the objection of 13 September, the applicant has indicated that they own that land and the application is proceeding on that basis.

- Health Risk to Existing and New Residents and Environmental Damage

The objection states that the ground investigation report submitted with the application indicates that the site is contaminated and identifies a medium to high likelihood of contamination of groundwater, drainage, the properties and soil gas migration and health effects on site workers, neighbours and the public. The objection also goes on to state that the contaminant on site could give rise to environmental damage contrary to the requirements of Policy EN14 of the adopted UDP.

Response:

Site investigation reports of the type referred to in the objection are undertaken to identify ground contamination and the risks associated with that contamination and the associated disturbance of the land associated with the development. The City Council's Public Protection Team has been consulted regarding this application for development and the associated ground contamination reports submitted. The Public Protection Team has confirmed there is no objection to the proposed development subject to the application of conditions on any planning approval granted requiring the further submission of a remediation strategy for the contamination on site and a verification report. In addition, a condition relating to the discovery of unexpected contamination

on the site will also be attached to any approval granted for this development. The City Council is satisfied that the application will not cause any health risk to existing or new residents or give rise to environmental damage. The City Council's further satisfied that the application and proposal for development complies with the requirements of Policy EN14 of the adopted UDP. This is further expanded upon in the section of this report relating to land contamination, below.

- Loss of natural habitat and displacement of wildlife.

Response: The City Council's Natural Heritage Team has been consulted regarding the proposed development and has confirmed no objection to the proposed development but has suggested that as the application site is unable to accommodate biodiversity enhancement measures a financial contribution towards off site habitat creation, maintenance and management is required.

A sum of £7000.00 will be required via an agreement under the provisions of section 106 of the Town and Country Planning Act towards off site habitat creation, maintenance and management. The City Council is satisfied on this basis that there will be no unacceptable impact upon natural habitat or upon wildlife. Furthermore, it is not considered that the development of a site of approx. 0.37ha in area is sufficient to disrupt the development of the Great North Forest or the wildlife corridor to a degree that it would warrant refusal of this planning application.

- Surface water flood risk and sewerage capacity

The objection to this development raises concerns relating to flood risk and surface water management and states that the proposed development will increase the likelihood of flooding because the footprint of each house is impermeable. The objection goes on to provide a photograph of the site with an area to the north-east, on Coxgreen Road, circled as being prone to surface water flooding.

The objections also states that there have been blockages and failures of the current combined sewer network and questions the capacity of the network to facilitate this development.

Response:

The Lead Local Flood Authority (LLFA) and Northumbrian Water (NWL) have been consulted regarding this development and through negotiation with the applicant, an acceptable drainage scheme has been developed in association with this development with neither the LLFA or NWL offering any objection to the proposed development.

NWL has asked that in the event that planning permission is forthcoming in connection with this application a condition is attached to any approval issued requiring the submission of a detailed scheme for the disposal of foul and surface water, for the further approval of NWL.

The City Council is satisfied that the proposed development will not create any conditions likely to create or exacerbate flood risk. This is further expanded upon in the section of the report relating to flooding/drainage below.

- Design out of character with local area and overlooking and loss of privacy.

The objector states that the positioning of the proposed dwellings near to the Coxgreen Road with only driveways to the front is at odds with the semi-rural location and that the houses opposite benefit from long front gardens and are set back from Coxgreen Road.

The objector further states that the proposed development will create unacceptable levels of overlooking towards existing dwellings in Railway Terrace and their associated long front gardens. The objector then offers three potential alternative developments which, in their view, better protect the privacy of existing residents of Railway Terrace.

Response:

The positioning of dwellings, set behind driveways, adjacent to vehicular highway is not an unusual arrangement and whilst it is acknowledged that it is a different arrangement to that on the opposite side of Coxgreen Road, where the dwellings forming Railway Terrace are set back behind relatively generous front gardens, it is not considered by the City Council to be an unacceptable arrangement.

A separation distance of 25 metres is retained between the front elevations of the existing and proposed dwellings. This is in excess of the 21 metres required by the Council's adopted Supplementary Planning Document (SPD) concerned with new residential development. Furthermore, the majority of front gardens in Railway Terrace feature a brick boundary wall, approximately 1.2 metres in height which affords these gardens limited privacy. Whilst it is acknowledged that number 16 to 22 Railway terrace have enjoyed an open aspect to the front, the planning system cannot protect the interests of individuals who enjoy long range views over land in the ownership of others.

With reference to the alternative schemes suggested by the objector: The LPA can only consider the development submitted in association with the planning application under consideration. It cannot consider alternative schemes suggested by third parties.

The City Council is satisfied that the proposed development complies with the requirements of the adopted SPD and national planning policy and will not result in any unacceptable levels of overlooking towards existing dwellings or their associated garden areas.

- Noise and disturbance.

The objection received raises concerns relating to noise originating from the proposed development and states that such noise will have the potential to create conditions which could jeopardise quality of sleep for existing residents and impact upon their health and quality of life, contrary to paragraph 123 of the NPPF.

The development proposed is residential. There is no reason to suggest that any activity will be undertaken within the proposed residential development that will generate loud or persistent noise. It is considered that the proposed residential development is entirely compatible with the existing residential dwellings in the locality. Unacceptable noise originating from residential dwellings to the detriment of neighbouring properties can be controlled via Environmental Health legislation and Police powers, however it is reiterated that there is no evidence to suggest a noise generating end use as a result of this application.

It should also be noted that the site is currently occupied by a car garage falling into Use Class B2 of the Town and Country Planning (Use Classes) Order. This use is very long standing and uncontrolled by planning conditions. The current owners/occupiers of the garage choose to operate between the hours of 9-5 Monday to Friday. However, should an alternative B2 operator occupy the site they would have the potential to operate on an unrestricted basis, 7 days a week without any requirement for planning permission.

The proposed residential development is considered to be acceptable in terms of its potential for generating noise and compliant with Policy EN5 of the adopted UDP and national planning policy.

- Proximity of Proposed Development to Former Railway

The submitted objection raises concerns over the proximity of the proposed development to the former Leamside Railway line which is regarded as operational and safeguarded for future use. Network Rail and the Council's Public Protection and Regulatory Services Team have been consulted in this regard. Both have confirmed no objection to the proposed development. The proposed development is therefore considered to be acceptable in terms of its proximity to the Leamside Line.

- View of the affected community have not been sought

Objection received on the basis that the views of the affected community were not sought by the developer as set out in paragraph 66 of the NPPF which states that:

"Applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community."

Although, ideally applicants would involve local communities in their design decisions a refusal of planning permission on this basis would be unsustainable.

Furthermore, the planning application process has afforded any interested parties to make representations in connection with the proposed development.

## **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  
 T\_10\_Protect footpaths; identify new ones & adapt some as multi-user routes  
 CN\_23\_Measures to conserve/ improve wildlife corridors  
 EN\_1\_Improvement of the environment  
 EN\_5\_Protecting sensitive areas from new noise/vibration generating developments  
 EN\_7\_Proposals for residential development in the vicinity of railway tracks  
 EN\_12\_Conflicts between new development and flood risk / water resources  
 EN\_14\_Development on unstable or contaminated land or land at risk from landfill/mine gas

## **COMMENTS:**

By virtue of section 38(6) of the Planning and Compulsory Purchase Act, 2004, the starting point for consideration of any planning application is the saved policies of the development plan. A planning application must be determined in accordance with the development plan unless material considerations indicate otherwise.

However, since the publication of the National Planning Policy Framework (NPPF) in March 2012, (which is a material consideration for the purposes of Section 38(6) of the Act), the weight that can be given to the development plan depends upon the extent to which the relevant policies in the plan are consistent with the more up to date policies set out in the NPPF. The closer the relevant policies in the development plan are to the policies in the NPPF, the greater the weight that can be given to the development plan.

The NPPF sets out a presumption in favour of sustainable development and paragraphs 7 and 8 therein explain that there are three dimensions to sustainable development - economic, social and environmental - and that these are mutually dependent, so that gains in each should be sought jointly and simultaneously.

Paragraph 14 goes on to explain that the presumption in favour of sustainable development should be viewed as a 'golden thread' running through both plan-making and decision-taking and means that when determining planning applications, authorities should:

- Approve applications that accord with an up to date development plan without delay; and
- Where the development plan is absent, silent or its relevant policies are out of date, granting permission unless:-

(a) there are any adverse impacts that would significantly and demonstrably outweigh the benefits when assessed against the provisions of the NPPF taken as a whole, or specific policies in the NPPF indicate development should be restricted; or

(b) any specific policies in the NPPF indicate that development should be restricted.

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 of design and a good standard of amenity;
- take account of the different roles and character of different areas, recognising the intrinsic character and beauty of the countryside;
- take full account flood risk and coastal change;
- actively manage patterns of growth to make fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable; and
- contribute to conserving and enhancing the natural environment.

These core principles of the NPPF feed into policies EN5, EN10, EN11, EN12, EN14, H1, H4, H16, H21, B2, CN17, CN20, CN21, CN22, T14 and T22 of the Council's adopted Unitary Development Plan (1998), which are relevant to the consideration of this application.

As Members may be aware, on 19th July 2017 the Council's Cabinet approved a Draft Core Strategy and Development Plan (CDSP) for consideration and a public consultation on the first draft ended on 2nd October 2017. The Council is currently in the process of considering and addressing the comments received in response to the consultation exercise. Paragraph 216 of the NPPF states that:

"From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given)



- The extent to which there are unresolved objection to relevant policies (the less significant the unresolved objections, the greater the weight that may be given) and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given"

In terms of the above advice, clearly the Draft Plan has been prepared after the publication of the NPPF. The first consultation on the CDSP has, however, only expired recently. The weight that can be given to the draft CDSP is therefore extremely limited to the extent that consideration of the application in question, in terms of the development plan, will be only made using the aforementioned relevant policies within the Council's adopted Unitary Development Plan and with regard to any other material considerations.

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:

- The main issues to consider in the determination of this planning application are:
- The principle of the proposed development;
- The impact of the development on visual and residential amenity and urban design considerations;
- The impact of the development in respect of highway and pedestrian safety;
- The impact of the development in respect of ecology and biodiversity;
- The impact of the development in respect of flooding and drainage;
- The impact of the development in respect of ground conditions;
- The impact of noise upon the development;
- Planning obligations

## 1. Principle of development

Particularly relevant to the consideration of this application is section 6 of the NPPF, which is concerned with achieving the delivery of a wide choice of high quality homes. Paragraphs 47 and 49 of the NPPF are especially pertinent, with paragraph 47 stating that in order to significantly boost the supply of housing, Local Planning Authorities should:

- Use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in the NPPF, including identifying key sites which are critical to the delivery of the housing strategy over the plan period;
- Identify and update annually a supply of specific deliverable sites (i.e. sites which are available, suitable and viable for housing) sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land;
- Identify a supply of specific, developable site or broad locations for growth, for years 6-10 and where possible, for years 11-15;
- For market and affordable housing, illustrate the expected rate of housing delivery through a housing trajectory for the plan period and set out a housing implementation strategy for the full range of housing describing how they will maintain delivery of a five-year supply of housing land to meet their housing target; and;
- Set out their own approach to housing density to reflect local circumstances.

Meanwhile, paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant local policies in a development plan for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

As indicated by paragraphs 47 and 49 of the NPPF (set out above), the NPPF demands that a planning authority should identify an available and deliverable five-year supply of housing land. If such a supply of housing land cannot be robustly demonstrated, relevant local policies for the supply of housing are regarded as out of date, and therefore should be afforded little weight.

At this juncture the Council as Local Planning Authority cannot robustly demonstrate a five-year supply of housing land that has been subject to independent examination via a public enquiry. As such, and in line with the guidance of aforementioned paragraph 49 of the NPPF, the more up to date development management and housing policies in the NPPF must be given greater weight when considering this application than the housing policies in the Council's saved Unitary Development Plan.

With regard to local policy, the proposed development site is not allocated for a specific use by the proposals map of the City Council's UDP and as such, policy EN10 therein is applicable. This requires new development proposals to respect prevailing patterns of land use and to this end, it is considered that a development of the site which involves the erection of new dwellinghouses, would be compatible with the primarily residential nature of the locality.

The proposal would also accord with policy H1 of the UDP, which generally supports the provision of new housing in the City in order to maximise locational choice, reduce out-migration and increasing household formation, assist in regeneration objectives and, wherever possible, secure the re-use of vacant and derelict land.

In this regard, although the application site is not allocated for housing development by the UDP, it has been identified in the Council's 2017 SHLAA as a potential housing site. The 2017 SHLAA identifies this site as "not currently deliverable." However, it is important to note that a site's identification as not currently deliverable does not exclude a site from coming forward if an appropriate planning application is submitted. Should a site gain planning permission its status will be updated in future versions of Sunderland's SHLAA to "deliverable or developable". As such, the approval of planning permission for residential development of the site would serve to make a positive, albeit modest, contribution to the supply of deliverable housing land in the City.

Given the above, it is considered that the broad principle of erecting dwellinghouses at the site is acceptable, particularly as the scheme will result in residential development in an established residential area and would secure the appropriate re-development of a previously-developed brownfield site. Nevertheless, in order to fully establish the acceptability of the proposed development, an assessment must firstly be made of all other relevant material planning considerations raised by the scheme and in this regard, policy EN10 advises that any new development proposals will only be deemed acceptable where the scheme also satisfactorily accords with relevant strategic and City-wide policies.

## 2. Impact of development on visual and residential amenity and urban design considerations

Policy B2 of the UDP requires new development proposals to respect visual and residential amenity, whilst the core principles of the NPPF set out an objective for schemes to deliver high standards of design and amenity.

Policy H4, meanwhile, states that new housing development should be of a density which reflects the existing density found in the locality, whilst policy H21 seeks to ensure that new residential development is afforded appropriate levels of amenity open space and/or casual playspace, with the levels recommended dependent on the type of housing proposed (in terms of total numbers of bedrooms) and proximity to existing areas of open space.

In terms of visual amenity, it is evident that the locality is dominated by two storey housing predominantly arranged in terraces or semi-detached pairs. The proposed development comprises seven semi-detached pairs and is considered to be appropriate for the development site.

The general layout of the scheme, with the dwellings fronting Coxgreen Road is considered to be the most appropriate response to the site by ensuring that the dwellings present their principal elevations to the existing access road.

The proposed houses are of a simple design and appearance with red brick and grey tiled pitched roofs proposed and window and door opening positioned in the front and rear elevations, but this is considered to be appropriate given that the locality is characterised by housing also displaying simple treatment of front elevations.

It is considered that the proposed layout will afford prospective occupiers with a good standard of external amenity, with all new dwellings afforded private gardens and car parking spaces.

The Council's Residential Design Guide Supplementary Planning Document (SPD) requires that 21 metres is retained between properties with elevations containing main living room windows and 14 metres between elevations containing living rooms windows and blank elevations, this arrangement ensures dwellings are afforded acceptable levels of privacy and main living room windows are afforded a middle- to long-distance outlook.

In terms of the impact of the development on the amenity of existing nearby dwellings, it is considered that layout of the development and the separation distances between the new dwellings and existing properties is acceptable and in accordance with the requirements of the Council's adopted SPD. This is further expanded upon in the consideration of objections received in connection with this development, above.

### 3. Impact of the development on highway and pedestrian safety

Paragraph 32 of the NPPF advises that all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Planning decisions should take account of whether opportunities for sustainable transport modes have been taken up, that safe and suitable access to the site can be achieved and whether improvements can be undertaken within the transport network that cost-effectively limit the significant impacts of the development. Paragraph 32 is clear in stating that development should only be refused on transport grounds where the residual cumulative impacts of the development are severe.

On a local level, policy T14 of the UDP requires new development proposals to be accessible, to not cause traffic congestion or highway safety problems on existing roads, make appropriate access for the safe access and egress of vehicles and pedestrians and to indicate how parking requirements will be accommodated. Policy T22 of the UDP, meanwhile, requires new development proposals to be afforded appropriate levels of dedicated parking; in this regard, the Council's 'Residential Design Guide' SPD setting out recommended levels of one in-curtilage

parking space per new dwelling and visitor parking afforded at a rate of one space for every third dwelling.

The proposed development proposes 14 in curtilage car parking spaces together with 4 visitor parking spaces.

In this instance the visitor parking spaces are located in lay-bys to the front of the development.

The Council's Highways team has raised no objections to the development. The proposed access, parking and layout arrangements are all considered to be acceptable, including manoeuvres on and off the proposed driveways. The objection received from the occupier of 16 Railway Terrace on grounds of highway safety due to proximity to an existing junction and hazards posed by parked cars has been considered fully. The road traffic accident history in relation to Coxgreen Road has been reviewed and whilst there have been a relatively small number of personal injury accidents there is no single contributory factor and as such it would not be possible to sustain a refusal of planning permission on this basis.

The applicant has agreed to contribute towards a speed advisory sign near to the development which would be dealt with under the powers of the Local Highway Authority.

With regard to the comments provided by the Council's Highways team and for the reasons set out above, it is considered that the proposed development does not give rise to any significant highway safety concerns. As such, the development is compliant with the objectives of paragraph 32 of the NPPF, policies T14 and T22 of the UDP and the recommended parking standards set out in the Council's 'Residential Design Guide' SPD.

#### 4. Implications of development in respect of ecology and biodiversity

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. On a local level, policies CN20 and CN21 of the UDP seek to protect Sites of Special Scientific Interest (SSSIs) and Local Nature Reserves respectively from development proposals with harmful direct or indirect impacts, whilst policy CN22 states 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.

The Council's Natural Heritage team has no objections to the development but considers that because the development is unable to accommodate biodiversity enhancements within the site a sum of £7000 should be payable via a section 106 agreement towards off site towards off site habitat creation, maintenance and management.

With regard to the above, and subject to the completions of the S106, it is considered that the implications of the development in relation to on-site and off-site biodiversity and ecology will be acceptable, in compliance with the requirements of section 11 of the NPPF and policies CN20, CN21 and CN22 of the UDP.

#### 5. Implications of development in respect of flooding/drainage

Paragraph 103 of the NPPF states that when determining planning applications, Local Planning Authorities should ensure flood risk is not increased elsewhere and should only consider

development to be appropriate in flood-risk areas where certain criteria are satisfied. Meanwhile, policy EN12 of the UDP states that in assessing development proposals, the Council will seek to ensure that the proposal will not materially impede the flow of flood water, or increase the number of people or properties at risk of flooding.

As Members may be aware, the City Council is now the Lead Local Flood Authority (LLFA) in respect of major development proposals, with responsibility for matters pertaining to the management of surface water. A Ministerial Statement from the Department for Communities and Local Government (dated 18th December 2014), to be read in conjunction with the policies of the NPPF, sets out that the Government expects decisions on planning applications relating to major development to ensure that sustainable drainage systems (SuDS) for the management of run-off are put in place, unless this is demonstrated to be inappropriate.

In considering planning applications, the LLFA should be satisfied that the proposed minimum standards of operation are appropriate and ensure through the use of planning conditions or obligations that there are clear arrangements in place for ongoing maintenance over the lifetime of the development. Technical Guidance produced by DEFRA (March 2015) sets out non-statutory technical standards for SuDS and this should be used to inform the preparation of a SuDS scheme in association with a development proposal. In this regard, it is recommended that the surface water run-off rate for new development should not exceed the existing greenfield run-off rate for the site.

The application has been accompanied by a Flood Risk Assessment (FRA) and Drainage Strategy which concludes that the development site is located within Flood Zone 1 (at lowest risk of flooding) and that flood risk from other sources is low. Furthermore, there are no records of Surface Water Flood at the site and the risk of flooding from ground water, sewers and artificial sources is also considered to be low.

The Council as Lead Local Flood Authority considered the FRA and drainage strategy that was submitted with this application and has concluded that it is acceptable and appropriate for the development and compliant with the requirements of the policies set out above.

## 6. Implications of development in respect of land contamination/ground conditions

Paragraph 121 of the NPPF states that planning decisions must ensure that development sites are suitable for the new use, taking account of ground conditions and land instability, including from former activities such as mining and pollution. Meanwhile, 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.

A Phase I report (Desk Study) was submitted to support this application for development. This has been assessed by the City Council's Public Protection and Regulatory Services Team which has confirmed no objection to the proposed development but has recommended that conditions are imposed to any approval granted requiring the submission of a remediation report and a verification report. In addition to this a condition relating to the discovery of unexpected contamination on the site should also be included on any approval granted. Members are advised to impose conditions to this effect in the event they are minded to grant consent for the proposed development.

The objection in respect of ground contamination that was received from the occupier of 16 Railway Terrace is fully considered in the Representations section of this report, above.

With regard to the above comments, it is considered that subject to the imposition of the recommended conditions, the implications of the development in respect of land contamination is acceptable, in accordance with the requirements of paragraph 121 of the NPPF and policy EN14 of the UDP.

## 7. Noise

The proposed development site is located adjacent to an operational timber manufacturer and as such may be prone to experiencing high levels of noise. A noise report has been submitted to support the application and has suggested noise mitigation measures that would be put in place prior to the occupation of any of the dwellings. The Council's Public Protection and Regulatory Services Team has assessed the noise assessment and found it to be acceptable and compliant with the requirements of Policy EN5 of the adopted UDP and national planning policy.

The objection in respect of noise that was received from the occupier of 16 Railway Terrace is fully considered in the Representations section of this report, above.

## 8. Planning obligations

Paragraph 203 of the NPPF states that Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations - such obligations are usually secured via legal agreements under Section 106 of the Town and Country Planning Act 1990 (as amended) and should only be used where it is not possible to use planning conditions. Paragraph 204 goes on to advise that planning obligations should only be sought where the following tests can be met (also set out at Regulation 122(2) of the Community Infrastructure Levy (CIL) Regulations 2010):

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

A sum of £7000.00 will be secured via a section 106 agreement towards off site ecological habitat management, maintenance and/or creation. Furthermore, a sum of £701 per dwelling (£9814.00) will be secured via a section 106 agreement towards the provision or maintenance of off site play equipment.

## SUMMARY

In summary, the principle of housing development is considered to be acceptable in this location when assessed against the impact tests set out in the NPPF. To this end, the proposals will see an appropriate and sympathetic development of a predominantly brownfield site located within an established residential area.

Additionally, and for the reasons set out above, the proposed development is considered to be acceptable in terms of urban design, visual and residential amenity, highway access and car parking, flood risk and drainage, ground conditions and ecology/biodiversity impacts and in respect of these matters, the proposals are considered to be compliant with the aims, objectives

and detailed policies of the NPPF, the up-to-date policies of the Council's UDP and the Council's 'Residential Design Guide' SPD.

Given that the proposed development has been found to be acceptable with regard to all relevant material planning issues, with regard to the overarching aims, objectives and detailed policies of the NPPF the up-to-date relevant policies of the Council's UDP and 'Residential Design Guide' SPD, it is considered that the scheme will achieve the sustainable development sought by paragraph 14 of the NPPF and should therefore be approved.

To conclude, following examination of all relevant material planning considerations, it is considered that the proposal has clearly demonstrated that it is sustainable development and in light of the guidance provided by paragraphs 14 and 49 of the NPPF, it is recommended that Members Grant Consent for the development under Regulation 4 of the Town and Country Planning (General Regulations) 1992 (as amended), subject to the signing of a section 106 agreement as detailed above and subject to conditions which will be set out on a late sheet to Members at the meeting of the Development Control (Hetton, Houghton and Washington) Sub-Committee.

#### EQUALITY ACT 2010 - 149 Public Sector Equality Duty

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

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

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

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

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

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

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

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

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

**RECOMMENDATION:**

Grant Consent under Regulation 4 of the Town and Country Planning (General Regulations) 1992 (as amended), subject to the signing of an agreement under Section 106 of the Town and Country Planning Act.



Reference No.: 17/02296/FUL Full Application

Proposal: **Erection of 19no. bungalows with associated car parking and landscaping**

Location: Former Kentmere House Blind Lane Sedgeleth Houghton-le-Spring

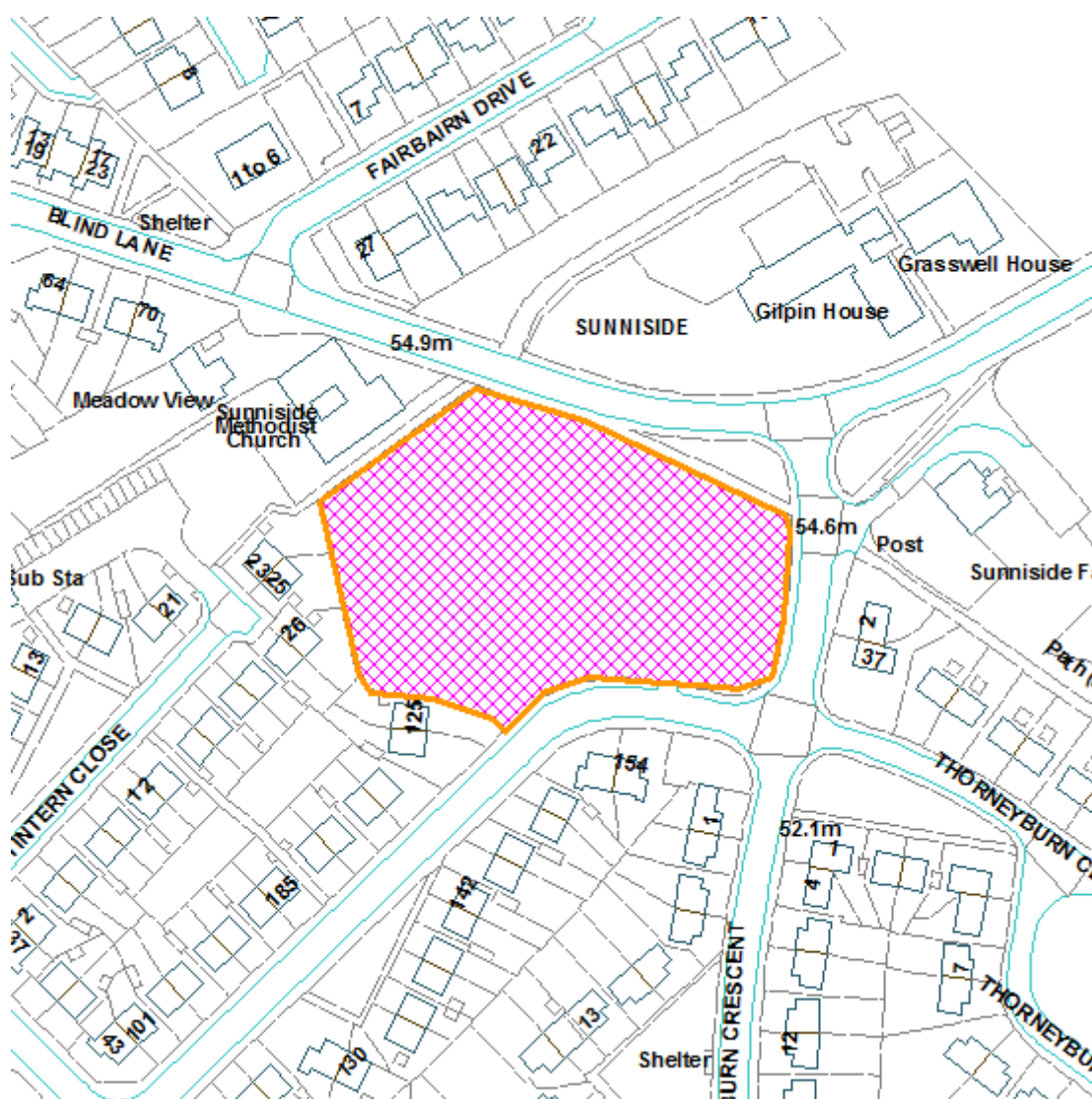
Ward: Houghton

Applicant: Karbon Homes

Date Valid: 4 December 2017

Target Date: 5 March 2018

## Location Plan



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## PROPOSAL:

Full planning permission is sought for the erection of 19 no. bungalows with associated access and landscaping on the site of the former Kentmere House, Blind Lane, Houghton-le-Spring.

The proposal involves residential development on the site of a demolished care home located off Blind Lane, in Houghton-le-Spring, adjacent to Sunnyside Methodist Church, Brinkburn Crescent and Abbey Drive. The application site is of an irregular shape and comprises approximately 0.64ha of land. The site slopes towards Brinkburn Avenue and is enclosed by a low brick wall and hedgerow. There are several trees across the site with the remainder comprising rough grass/scrub. At the time of the case officer's site visit there was also some evidence of fly tipping on the vacant site.

The area surrounding the application site is predominantly residential in nature, although Sunnyside Methodist Church is positioned adjacent to the site's north western boundary and Gilpin House is located on the opposite side of Blind Lane to the application site. The northern, eastern and southern boundaries of the site are adjacent to the vehicular highways of Bind Lane, Brinkburn Avenue and Abbey Drive respectively. The western and south western boundaries of the site are positioned adjacent to the rear gardens of residential properties 125 Abbey Drive and numbers 23, 25 and 26 Tintern Close.

The application under consideration proposes 19 bungalows, together with associated car parking and landscaping. The bungalows proposed are proposed to be arranged across the site to front onto the existing vehicular highways and onto highway proposed within the development, providing an outward facing development with high levels of natural surveillance. Eight semi-detached bungalows are proposed together with two blocks of three bungalows and one terrace of five bungalows.

Each bungalow proposed has some garden space and an in-curtilage car parking space. A further six car parking spaces for visitors are located centrally within the development.

The proposed bungalows will provide their occupiers with a kitchen, shower/bathroom, living room and two bedrooms. Outlook is primarily afforded to the front and back of the propose bungalows but five of the bungalows proposed (plots 7, 10, 11, 15 and 16) are proposed to incorporate a walk-in bay window in the gable elevation as well as full height kitchen windows which are proposed on all 19 bungalows.

The proposed bungalows are considered to be of a simple, traditional design with design interest provided by hipped gable features to the front and rear and the use of a combination of brick and render as finishing materials.

The application has been submitted by Karbon Homes on behalf of Durham Aged Mineworkers Homes Association (DAMHA).

The proposed housing is designed for, and is to be occupied by, persons over the age of 55 years, with occupation on a letting basis. Rents will be based on 80% of open market value, as is stipulated by the terms of grant from the Homes and Communities Agency being used to fund the development.

## **TYPE OF PUBLICITY:**

Press Notice Advertised  
Site Notice Posted

## Neighbour Notifications

### **CONSULTEES:**

Houghton - Ward Councillor Consultation  
Network Management  
Environmental Health  
Northumbrian Water  
Southern Area Command - Police  
Flood And Coastal Group Engineer

Final Date for Receipt of Representations: **04.01.2018**

### **REPRESENTATIONS:**

No representations received to date.

Members should note that the publicity in connection with this application does not expire until 1 March. Should any representations be received that have not already been addressed in this report, this application will be referred back to Members for their final determination.

### **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  
CN\_18\_Promotion of nature conservation (general)  
CN\_22\_Developments affecting protected wildlife species and habitats  
EN\_5\_Protecting sensitive areas from new noise/vibration generating developments  
EN\_1\_Improvement of the environment  
EN\_12\_Conflicts between new development and flood risk / water resources  
EN\_14\_Development on unstable or contaminated land or land at risk from landfill/mine gas

### **COMMENTS:**

By virtue of section 38(6) of the Planning and Compulsory Purchase Act, 2004, the starting point for consideration of any planning application is the saved policies of the development plan. A planning application must be determined in accordance with the development plan unless material considerations indicate otherwise.

However, since the publication of the National Planning Policy Framework (NPPF) in March 2012, (which is a material consideration for the purposes of Section 38(6) of the Act), the weight that can be given to the development plan depends upon the extent to which the relevant policies in the plan are consistent with the more up to date policies set out in the NPPF. The closer the relevant policies in the development plan are to the policies in the NPPF, the greater the weight that can be given to the development plan.

The NPPF sets out a presumption in favour of sustainable development and paragraphs 7 and 8 therein explain that there are three dimensions to sustainable development - economic, social and environmental - and that these are mutually dependent, so that gains in each should be sought jointly and simultaneously.

Paragraph 14 goes on to explain that the presumption in favour of sustainable development should be viewed as a 'golden thread' running through both plan-making and decision-taking and means that when determining planning applications, authorities should:

- Approve applications that accord with an up to date development plan without delay; and
- Where the development plan is absent, silent or its relevant policies are out of date, granting permission unless:-

(a) there are any adverse impacts that would significantly and demonstrably outweigh the benefits when assessed against the provisions of the NPPF taken as a whole, or specific policies in the NPPF indicate development should be restricted; or

(b) any specific policies in the NPPF indicate that development should be restricted.

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 of design and a good standard of amenity;
- take account of the different roles and character of different areas, recognising the intrinsic character and beauty of the countryside;
- take full account flood risk and coastal change;
- actively manage patterns of growth to make fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable; and
- contribute to conserving and enhancing the natural environment.

These core principles of the NPPF feed into policies EN10, EN11, EN12, EN14, H1, H4, H16, H21, R3, B2, CN17, CN20, CN21, CN22, T14 and T22 of the Council's adopted Unitary Development Plan (1998), which are relevant to the consideration of this application.

As Members may be aware, on 19th July 2017 the Council's Cabinet approved a Draft Core Strategy and Development Plan (CDSP) for consideration and a public consultation on the first draft ended on 2nd October 2017. The Council is currently in the process of considering and addressing the comments received in response to the consultation exercise. Paragraph 216 of the NPPF states that:

"From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given)

- The extent to which there are unresolved objection to relevant policies (the less significant the unresolved objections, the greater the weight that may be given) and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given"

In terms of the above advice, clearly the Draft Plan has been prepared after the publication of the NPPF. The first consultation on the CDSP has, however, only expired recently. The weight that can be given to the draft CDSP is therefore extremely limited to the extent that consideration of the application in question, in terms of the development plan, will be only made using the aforementioned relevant policies within the Council's adopted Unitary Development Plan and with regard to any other material considerations.

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:

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

- The principle of the proposed development;
- The impact of the development on visual and residential amenity and urban design considerations;
- The impact of the development in respect of highway and pedestrian safety;
- The impact of the development in respect of ecology and biodiversity;
- The impact of the development in respect of flooding and drainage;
- The impact of the development in respect of ground conditions;
- The impact of noise upon the development;
- Planning obligations

## 1. Principle of development

Particularly relevant to the consideration of this application is section 6 of the NPPF, which is concerned with achieving the delivery of a wide choice of high quality homes. Paragraphs 47 and 49 of the NPPF are especially pertinent, with paragraph 47 stating that in order to significantly boost the supply of housing, Local Planning Authorities should:

- Use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in the NPPF, including identifying key sites which are critical to the delivery of the housing strategy over the plan period;
- Identify and update annually a supply of specific deliverable sites (i.e. sites which are available, suitable and viable for housing) sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land;
- Identify a supply of specific, developable site or broad locations for growth, for years 6-10 and where possible, for years 11-15;
- For market and affordable housing, illustrate the expected rate of housing delivery through a housing trajectory for the plan period and set out a housing implementation strategy for the full range of housing describing how they will maintain delivery of a five-year supply of housing land to meet their housing target; and;
- Set out their own approach to housing density to reflect local circumstances.

Meanwhile, paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant local policies in a development plan for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

As indicated by paragraphs 47 and 49 of the NPPF (set out above), the NPPF demands that a planning authority should identify an available and deliverable five-year supply of housing land. If such a supply of housing land cannot be robustly demonstrated, relevant local policies for the supply of housing are regarded as out of date, and therefore should be afforded little weight.

At this juncture the Council as Local Planning Authority cannot robustly demonstrate a five-year supply of housing land that has been subject to independent examination via a public enquiry. As such, and in line with the guidance of aforementioned paragraph 49 of the NPPF, the more up to date development management and housing policies in the NPPF must be given greater weight when considering this application than the housing policies in the Council's saved Unitary Development Plan.

With regard to local policy, the proposed development site is not allocated for a specific use by the proposals map of the City Council's UDP and as such, policy EN10 therein is applicable. This requires new development proposals to respect prevailing patterns of land use and to this end, it is considered that a development of the site which involves the erection of new dwellinghouses, in the form of bungalows, would be compatible with the primarily residential nature of the locality.

The proposal would also accord with policy H1 of the UDP, which generally supports the provision of new housing in the City in order to maximise locational choice, reduce out-migration and increasing household formation, assist in regeneration objectives and, wherever possible, secure the re-use of vacant and derelict land.

In this regard, although the application site is not allocated for housing development by the UDP, it has been identified in the Council's 2016 SHLAA (site 469) as being capable of accommodating up to 20 no. dwellings within a delivery period of 1-5 years. As such, the approval of planning permission for residential development of the site would serve to make a positive, albeit modest, contribution to the supply of deliverable housing land in the City.

Given the above, it is considered that the broad principle of erecting dwellinghouses at the site is acceptable, particularly as the scheme will result in residential development in an established residential area and would secure the appropriate re-development of a previously-developed brownfield site. Nevertheless, in order to fully establish the acceptability of the proposed development, an assessment must firstly be made of all other relevant material planning considerations raised by the scheme and in this regard, policy EN10 advises that any new development proposals will only be deemed acceptable where the scheme also satisfactorily accords with relevant strategic and City-wide policies.

## 2. Impact of development on visual and residential amenity and urban design considerations

Policy B2 of the UDP requires new development proposals to respect visual and residential amenity, whilst the core principles of the NPPF set out an objective for schemes to deliver high standards of design and amenity.

Policy H4, meanwhile, states that new housing development should be of a density which reflects the existing density found in the locality, whilst policy H21 seeks to ensure that new residential development is afforded appropriate levels of amenity open space and/or casual playspace, with

the levels recommended dependent on the type of housing proposed (in terms of total numbers of bedrooms) and proximity to existing areas of open space.

In terms of visual amenity, it is evident that the locality is dominated by post-war housing, most of which is two-storeys in scale and arranged primarily semi-detached pairs. The development proposed includes 4no. pairs of semi-detached bungalows as well as 2no. terraces of three bungalows and a longer terrace of 5no. bungalows within the site, adjacent to Sunnyside Methodist Church.

The semi-detached pairs are arranged fronting on to Blind Lane and Brinkburn Avenue. A terrace of 3no. bungalows are arranged overlooking Abbey Drive. The remainder of the proposed bungalows are located nearest to the existing residential dwellings located in Abbey Drive and Tintern Close.

The number of bungalows is also considered to be acceptable, with the footprint and plot sizes broadly consistent with those of existing neighbouring properties, affording a development of a density which is considered to be appropriate for the locality.

The general layout of the scheme, with the dwellings fronting Blind Lane and Brinkburn Avenue and Abbey Drive is considered to be the most appropriate response to the site by ensuring that the dwellings present their principal elevations to the existing estate roads.

The proposed bungalows are of a simple design and appearance, but this is considered to be appropriate given that the locality is characterised by housing also displaying simple treatment of front elevations.

It is considered that the proposed layout will afford prospective occupiers with a good standard of external amenity, with all new dwellings afforded private gardens and car parking spaces.

The Council's Residential Design Guide Supplementary Planning Document (SPD) requires that 21 metres is retained between properties with elevations containing main living room windows and 14 metres between elevations containing living rooms windows and blank elevations, this arrangement ensures dwellings are afforded acceptable levels of privacy and main living room windows are afforded a middle- to long-distance outlook.

In terms of the impact of the development on the amenity of existing nearby dwellings, it is considered that layout of the development and the separation distances between the new dwellings and existing properties on Abbey Drive is such that their living conditions will not be unduly harmed. To this end, a minimum separation distance of 23.5 metres is provided between the front elevation of the dwellings to plots 17 to 19 and the front elevations of 154 and 152 Abbey Drive, and at least 21 metres between the front elevations of the dwellings to proposed plots 15 and 16 and 2 Brinkburn Avenue and 37 Thorneyburn Close opposite. Given these arrangements, it is considered that the proposed new development will not result in any significant loss of outlook, privacy or overshadowing/loss of light for these properties. Similarly, a distance of 16 metres is retained between the rear elevation of 25 Tintern Close and the gable elevation of plot 6. This is considered to be acceptable and in accordance with the requirements of the SPD, as set out above.

The relationship between proposed plots 2 and 4, remains under consideration and negotiations in this regard are on-going between the Council and the applicant. It is anticipated that these negotiations will be resolved prior to the meeting of the Development Control (Hetton, Houghton & Washington) Sub-Committee and the outcome reported via a late sheet, accordingly.

### 3. Impact of the development on highway and pedestrian safety

Paragraph 32 of the NPPF advises that all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Planning decisions should take account of whether opportunities for sustainable transport modes have been taken up, that safe and suitable access to the site can be achieved and whether improvements can be undertaken within the transport network that cost-effectively limit the significant impacts of the development. Paragraph 32 is clear in stating that development should only be refused on transport grounds where the residual cumulative impacts of the development are severe.

On a local level, policy T14 of the UDP requires new development proposals to be accessible, to not cause traffic congestion or highway safety problems on existing roads, make appropriate access for the safe access and egress of vehicles and pedestrians and to indicate how parking requirements will be accommodated. Policy T22 of the UDP, meanwhile, requires new development proposals to be afforded appropriate levels of dedicated parking; in this regard, the Council's 'Residential Design Guide' SPD setting out recommended levels of one in-curtilage parking space per new dwelling and visitor parking afforded at a rate of one space for every third dwelling.

The proposed development proposes 19 in curtilage car parking spaces together with 6 visitor parking spaces.

In this instance the visitor parking spaces are located centrally within the development. This arrangement is not ideal and best practice indicates that visitor car parking spaces should be spread evenly throughout housing development to enable easy access for all visitors. In this instance, the applicant has provided justification for the central location of the visitor car parking provision stating that due to space constraints, the position of drainage across the site and differences in level across the site, it is not possible to arrange the visitor car parking differently.

The Council's Highways team has raised no objections to the development. The proposed access, parking, layout and servicing arrangements are all considered to be acceptable, whilst it is also observed that the development will occupy a site within an established residential area with good private and public transport links.

With regard to the comments provided by the Council's Highways team and for the reasons set out above, it is considered that the proposed development does not give rise to any significant highway safety concerns. As such, the development is compliant with the objectives of paragraph 32 of the NPPF, policies T14 and T22 of the UDP and the recommended parking standards set out in the Council's 'Residential Design Guide' SPD.

### 4. Implications of development in respect of ecology and biodiversity

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. On a local level, policies CN20 and CN21 of the UDP seek to protect Sites of Special Scientific Interest (SSSIs) and Local Nature Reserves respectively from development proposals with harmful direct or indirect impacts, whilst policy CN22 states 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.



## Trees

There are currently 39 trees and 2 hedgerows located on the proposed development site. The application is accompanied by an Arboricultural Impact Assessment which identifies 28 trees as of "moderate" quality; 9 trees of "low" quality; and 2 trees are identified as being "unsuitable for retention" (i.e. dead). In total, 33 trees are proposed to be removed from the site, together with the 2 hedgerows, in order to facilitate the development.

4 of the existing trees will be retained and 22 new trees will be planted to mitigate for the loss of those to be removed.

## Protected Species and biodiversity enhancement

The Preliminary Ecological Appraisal submitted with the application advises that the site has little potential for the majority of protected species. The trees surveyed on site were found to have little suitable habitat for Bats and similarly, the applicant has provided evidence that the Bat boxes that were located on the site as temporary mitigation following the demolition of Kentmere House, were recently examined and found to be empty.

The Council's Natural Heritage team has no objections to the development but recommends that if Members are minded to approve the proposed development, a condition should be imposed on any approval granted requiring the developer to adopt and deliver the measures summarised in section 6.0 "Recommendations and Mitigation" of the Preliminary Ecological Appraisal (PEA), which includes the retention of as many existing trees as possible and delivering a biodiversity net gain. Additionally, Bat Roosts should be incorporated into the new buildings and any external lighting scheme should be designed to ensure no negative impact upon bat roosting, foraging or commuting routes. In the event that Members are minded to approve this application for development, conditions to this effect will be applied to any approval granted.

With regard to the above, and subject to the recommended conditions, it is considered that the implications of the development in relation to on-site and off-site biodiversity and ecology will be acceptable, in compliance with the requirements of section 11 of the NPPF and policies CN20, CN21 and CN22 of the UDP.

## 5. Implications of development in respect of flooding/drainage

Paragraph 103 of the NPPF states that when determining planning applications, Local Planning Authorities should ensure flood risk is not increased elsewhere and should only consider development to be appropriate in flood-risk areas where certain criteria are satisfied. Meanwhile, policy EN12 of the UDP states that in assessing development proposals, the Council will seek to ensure that the proposal will not materially impede the flow of flood water, or increase the number of people or properties at risk of flooding.

As Members may be aware, the City Council is now the Lead Local Flood Authority (LLFA) in respect of major development proposals, with responsibility for matters pertaining to the management of surface water. A Ministerial Statement from the Department for Communities and Local Government (dated 18th December 2014), to be read in conjunction with the policies of the NPPF, sets out that the Government expects decisions on planning applications relating to major development to ensure that sustainable drainage systems (SuDS) for the management of run-off are put in place, unless this is demonstrated to be inappropriate.

In considering planning applications, the LLFA should be satisfied that the proposed minimum standards of operation are appropriate and ensure through the use of planning conditions or obligations that there are clear arrangements in place for on-going maintenance over the lifetime of the development. Technical Guidance produced by DEFRA (March 2015) sets out non-statutory technical standards for SuDS and this should be used to inform the preparation of a SuDS scheme in association with a development proposal. In this regard, it is recommended that the surface water run-off rate for new development should not exceed the existing greenfield run-off rate for the site.

The application has been accompanied by a Flood Risk Assessment (FRA) and Drainage Strategy which concludes that the development site is located within Flood Zone 1 (at lowest risk of flooding) and that flood risk from other sources is low. Furthermore, there are no records of Surface Water Flood at the site and the risk of flooding from ground water, sewers and artificial sources is also considered to be low.

The Council as Lead Local Flood Authority considered the FRA that was submitted to support this application for permission, however upon inspection the LLFA considered that an update to the FRA was necessary. The update FRA was received by the Council on 7 February and is currently under consideration by the LLFA. The results of these considerations will be reported to Members via a late sheet.

#### 6. Implications of development in respect of land contamination/ground conditions

Paragraph 121 of the NPPF states that planning decisions must ensure that development sites are suitable for the new use, taking account of ground conditions and land instability, including from former activities such as mining and pollution. Meanwhile, 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.

A Phase I report (Desk Study) and Coal Mining Risk Assessment and a Phase II Intrusive Report has been submitted to support this application for development. These documents have been assessed by the City Council's Public Protection and Regulatory Services Team which has confirmed no objection to the proposed development but has recommended that conditions are imposed to any approval granted requiring the completion and submission of the results of a gas risk assessment; a remediation report and a verification report. Members are advised to impose conditions to this effect in the event they are minded to grant consent for the proposed development.

With regard to the above comments, it is considered that subject to the imposition of the recommended conditions, the implications of the development in respect of land contamination is acceptable, in accordance with the requirements of paragraph 121 of the NPPF and policy EN14 of the UDP.

#### 7. Noise

The proposed development site is located adjacent to Blind Lane and as a result may be subject to high levels of noise from traffic, particularly plots 9 to 14. The Council's Public Protection and

Regulatory Services Team has been consulted regarding this proposal and has confirmed no objection to the proposal but has suggested that if Members are minded to approve the proposed development a condition requiring that a noise assessment is undertaken prior to the first occupation of the dwellings proposed and the results of the survey, together with any necessary noise mitigation measures should be submitted to the Council for written approval and the approved mitigation implemented prior to occupation.

## 8. Planning obligations

Paragraph 203 of the NPPF states that Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations - such obligations are usually secured via legal agreements under Section 106 of the Town and Country Planning Act 1990 (as amended) and should only be used where it is not possible to use planning conditions. Paragraph 204 goes on to advise that planning obligations should only be sought where the following tests can be met (also set out at Regulation 122(2) of the Community Infrastructure Levy (CIL) Regulations 2010):

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

It is normally the practice of the City Council to seek financial contributions towards education provision and the maintenance of off-site play facilities in respect of development proposals for 10 no. or more residential units. In this case, however, it is acknowledged that the proposed housing is designed for occupation by persons over the age of 55, rather than by families with children, and as such, it is considered that the development is unlikely to place any additional pressure on education and play facilities in the area. In these circumstances, and with regard to the 'tests' provided by paragraph 204 of the NPPF, it is considered that the Council cannot reasonably justify requesting financial contributions towards education and off-site play facilities in this case.

Clearly, to enable the Council to consider such an approach, there must be some certainty that the dwellings will be occupied by persons over the age of 55 and that this arrangement will be maintained in perpetuity. To this end, Members should note that the applicant will enter into a nominations agreement with the City Council, which will initially give the Council 100% control over the initial occupancy of the dwellings and then allows the Council to retain control of 50% of the units thereafter. It is also intended that the Sale and Nomination contracts will include a clause requiring any successors in title, other than their lender or permitted disposals (e.g. to Right to Buy etc.), to enter into a nomination agreement with the Council, which would mean that if the whole site were transferred or sold, the new owner would be bound to enter into a similar nominations agreement with the Council, thus allowing retention over control of occupancy.

It is considered that the proposed nominations arrangements as set out above offer sufficient surety to the Council, in its capacity as Local Planning Authority, that the dwellings proposed at the site will be occupied by the over-55s from the outset and thereafter. On this basis, there is not considered to be reason to require the developer to enter into a legal agreement in respect of making financial contributions towards education and off-site play facilities.

With regard to affordable housing, the Council's current approach is to seek affordable housing in respect of schemes involving 15 or more residential units; However, it is noted that the proposed development is intended to deliver 100% affordable housing (with rents pegged at 80% of open market value) and the funding required by the developer to deliver the scheme is only available where affordable housing is being built. Consequently, and notwithstanding there not being a

Section 106 Agreement in place, the scheme will still make a valuable contribution to the provision of affordable housing in the area.

## EQUALITY ACT 2010 - 149 Public Sector Equality Duty

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

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

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

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

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

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

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

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

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

## SUMMARY

In summary, the principle of housing development is considered to be acceptable in this location when assessed against the impact tests set out in the NPPF. To this end, the proposals will see an appropriate and sympathetic development of a brownfield site located within an established residential area.

However, negotiations remain on-going between the Council and the applicant regarding some aspects of the layout of dwellings proposed. Similarly, the Lead Local Flood Authority is considering an updated Flood Risk Assessment that was submitted on 7 February 2018. It is anticipated that these negotiations and considerations will be concluded prior to the meeting of the Development Control (Hetton, Houghton & Washington) Sub-Committee and reported via a late sheet accordingly.

**RECOMMENDATION:** Executive Director of Economy and Place to report.

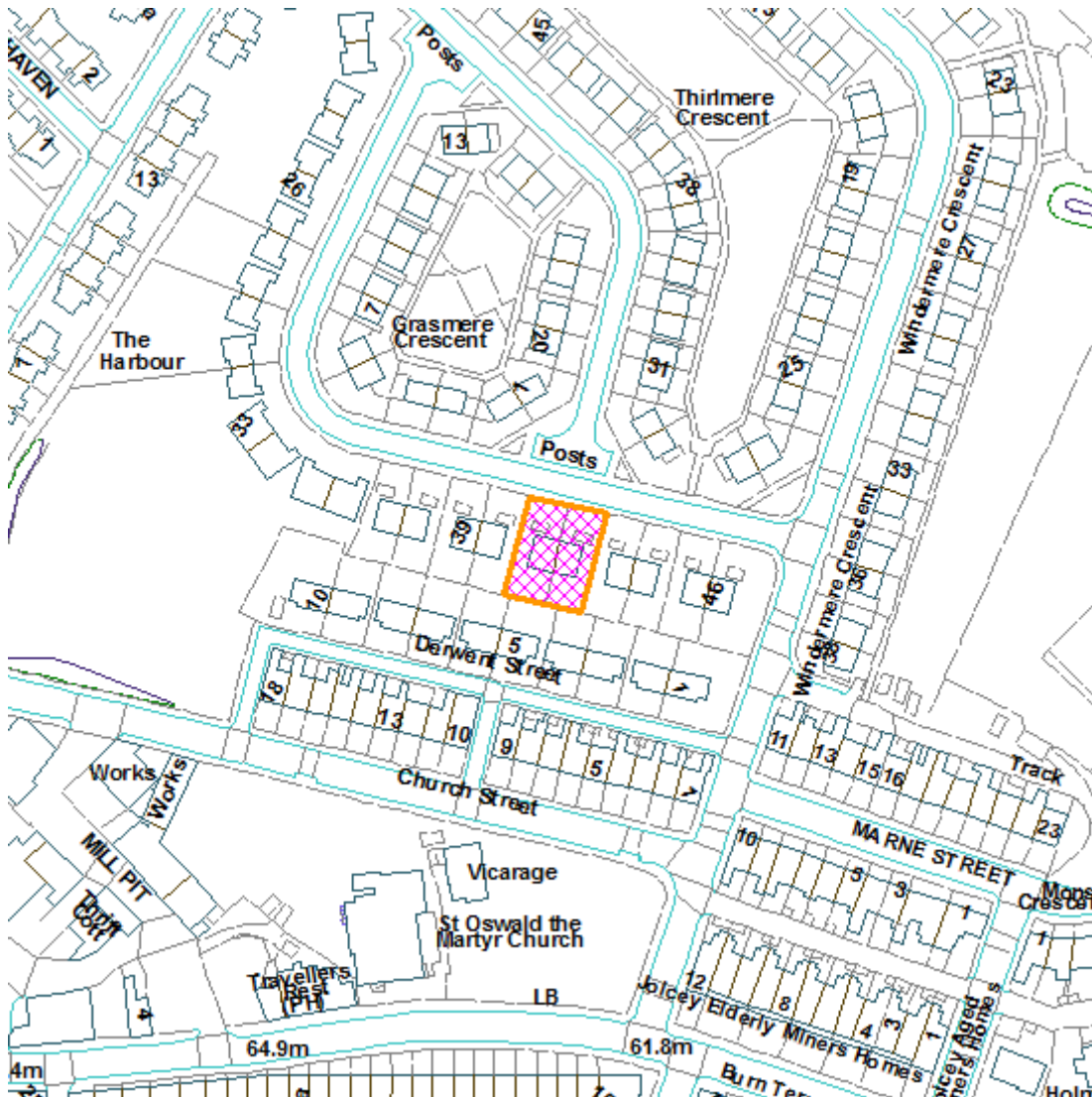
**Reference No.:** 17/02441/LP3 Local Authority (Reg 3 )

**Proposal:** **Change of use to 2no. residential dwellings (Amended plan received 25.01.18)**

**Location:** Shiney Advice And Resource Project 41 - 42 The Harbour Shiney Row  
Houghton-le-Spring DH4 7DF

**Ward:** Shiney Row  
**Applicant:** Sunderland City Council  
**Date Valid:** 5 January 2018  
**Target Date:** 2 March 2018

### Location Plan



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## **PROPOSAL:**

The proposal relates to a pair of semi-detached properties numbers 41 and 42 The Harbour, Shiney Row, which received planning permission on 02.07.92 (planning reference: 92/00014/10), to be converted into a single property operating as a family centre for the National Children's Home. More recently the property has operated as a Children's Day Nursery.

The property in question is located within a residential area and sits in a row of similar semi-detached properties on the south side of the street. The property sits behind a large front garden and benefits from a substantial garden area to the rear.

Internally the proposal would essentially re-instate the traditional residential layout with outlook to the front and rear. Each property will include a kitchen, dining area and living room at the ground floor and 3 bedrooms and a bathroom at the first floor. It is note that no in curtilage parking currently exists.

The City Council's Property Services are looking to progress the sale of the buildings as two separate residential properties subject to obtaining planning permission.

## **TYPE OF PUBLICITY:**

Site Notice Posted  
Neighbour Notifications

## **CONSULTEES:**

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

Final Date for Receipt of Representations: **13.02.2018**

## **REPRESENTATIONS:**

Council's Highways team - no objections to the development, but it is recommended that a hardstanding should be provided for both properties.

Neighbour consultation - no objections received.

## **POLICIES:**

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

EN\_10\_Proposals for unallocated sites to be compatible with the neighbourhood  
B\_2\_Scale, massing layout and setting of new developments  
T\_14\_Accessibility of new developments, need to avoid congestion and safety problems arising  
T\_22\_Parking standards in new developments  
EN\_14\_Development on unstable or contaminated land or land at risk from landfill/mine gas

## **COMMENTS:**

### **RELEVANT POLICY BACKGROUND**

The National Planning Policy Framework (NPPF) provides the current Government's national 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 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 always seek to secure a high quality design and a good standard of amenity, should encourage the effective re-use of land and property and should deliver the homes the country needs.

With regard to housing, paragraph 49 of the NPPF states that applications for housing should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites.

With regard to highway safety, meanwhile, 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.

The relevant guidance of the NPPF detailed above feeds into policies EN10, EN14, H1, B2, T14 and T22 of the City Council's adopted Unitary Development Plan (1998), which are considered to be pertinent to the determination of this application.

Policy EN10 of the UDP requires new development proposals to respect the existing pattern of land use in areas where there is no specific land use allocation.

Policy EN14 states that where a development site is potentially contaminated, the Council will require the applicant to carry out adequate investigations and provide suitable mitigation measures before granting planning permission.

Policy H1, states that new housing will be provided which caters for need, assists in the regeneration of existing residential areas and secures the re-use of vacant and derelict land wherever possible.

Also relevant are policies B2, which requires new development proposals to maintain an acceptable standard of visual and residential amenity, and T14, which states that new development must not result in conditions which are prejudicial to highway and pedestrian safety. Policy T22, meanwhile, sets out that development proposals should be afforded an appropriate level of dedicated car parking.

### **ISSUES TO CONSIDER**

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

- 1) the principle of proposal;
- 2) the impact of the proposal on both the residential amenity of the surrounding properties and wider street scene;
- 3) the implications of the proposal in respect of highway and pedestrian safety;
- 4) the implications of the proposal in respect of land contamination.



## 1) Principle of proposal

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

In respect of the above, it is evident that the host property has historically been operated in a residential capacity, albeit for the purposes of care, whilst all of the immediate neighbouring properties are single dwelling houses. As such, the proposed conversion of the building to two residential dwellings would comply with the existing nature of the surrounding residential area. The proposal therefore complies with policy EN10.

## 2) Impact on visual and residential amenity

The host dwelling has previously operated in a residential capacity for the purposes of a care facility within class C2 of the Town and Country Planning (Use Classes Order 1987) and more recently has been operating as a Children's Day Nursery until its closure on 17/03/18. It is considered that the proposed use of the properties as single residential dwellings, class C3, would be a less intensive use and one which is more compatible with the surrounding area.

In addition, as no external alterations/extensions are proposed to the host building there are no material grounds to suggest that use of the properties as single dwellings would adversely impact on the living conditions of neighbouring occupiers or impact on the visual qualities of the prevailing street scene or character of the area.

Furthermore the proposal secures the re-use of a vacant property as residential accommodation, and it is considered that the proposed layout and external amenity space will enable future occupiers of the dwellings to benefit from an appropriate standard of accommodation.

## 3) Impact in respect of highway and pedestrian safety

It is acknowledged that the property does not currently benefit from any off street parking facilities, which is consistent with the majority of dwellings in the street. Parking was historically provided by unallocated off site and street parking. There is scope for a parking space to be provided within the front garden area of the property and this is something that the Council's Highways section has recommended.

However, given that the proposed use may be seen as less intensive than the previous use for residential care it is not considered to be reasonable to require such a space to be provided as part of this application. Should the future owner/occupier of the dwelling wish to provide such a facility then this may be accommodated. In this way the proposal would accord with policies T14 and T22 of the UDP, which seeks to ensure that all new development provides for its parking needs and does not cause any highway safety problems.

## 4) Impact of proposal in respect of land contamination

The Council's Public Protection and Environmental Services has requested that land contamination information be submitted, given that the proposed residential use would be considered to be 'vulnerable to the presence of contamination'.

Furthermore they state that the premises should be designed and built to ensure that the noise levels recommended in BS8233;2014 (Guidance on sound insulation and noise reduction for buildings), can be achieved both indoor and within outdoor amenity areas.

They also require that a construction management plan be provided in order to ensure the environmental impact of the construction and demolition of the development is adequately managed and mitigated, and in the interests of the amenity of nearby residents/occupiers in the vicinity of the site.

The applicant is currently in the process of providing the information requested relating to contamination, and it is expected that this issue will be resolved prior to the committee. An update on this matter will be included in a supplementary report ahead of the committee meeting.

It is recommended to members that should they approve the proposal a note is attached to the decision relating to the recommended noise levels in relation to design and construction and that a condition be attached to the decision requesting the submission of a Construction Environmental Management Plan.

## CONCLUSION

For the reasons set out above, it is considered that given the nature and intensity of the proposed use as residential properties the development is acceptable in relation to the character and amenity of the locality. In addition, the proposed development will utilise vacant accommodation as residential dwellings, and provide prospective residents with an appropriate standard of accommodation.

The proposed development is therefore considered to be compliant with the aims and objectives of policies EN10, H1, B2, T14 and T22 of the Council's adopted Unitary Development plan and the core principles NPPF.

Consideration is, however, still being given to the implications of the development in relation to land contamination and whilst the proposals appear to be broadly acceptable in this regard, further information is being awaited from the applicant. A Supplementary Report will provide details of the information received, together with a recommended decision.

## Equality Act 2010 - 149 Public Sector Equality Duty

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

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

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

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

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

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

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

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

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

## **RECOMMENDATION:**

Minded to Approve, subject to satisfactory resolution of outstanding land contamination issues.

## **Conditions:**

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

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

Location plan, drawing number 001/HAR, received 05.01.18

Existing and proposed site plan, drawing number 002/HAR, received 05.01.18

Existing floor plans, received 05.01.18

Proposed floor plans, received 25.01.18

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

3 No development shall take place until a Construction Environmental Management Plan has been submitted to and approved by the Council as Local Planning Authority; such a Plan to include details of how noise, lighting, dust and other airborne pollutants, vibration, smoke and odour from construction work will be controlled and mitigated, to protect the amenity of adjacent occupiers and in order to comply with policy B2 of the UDP.

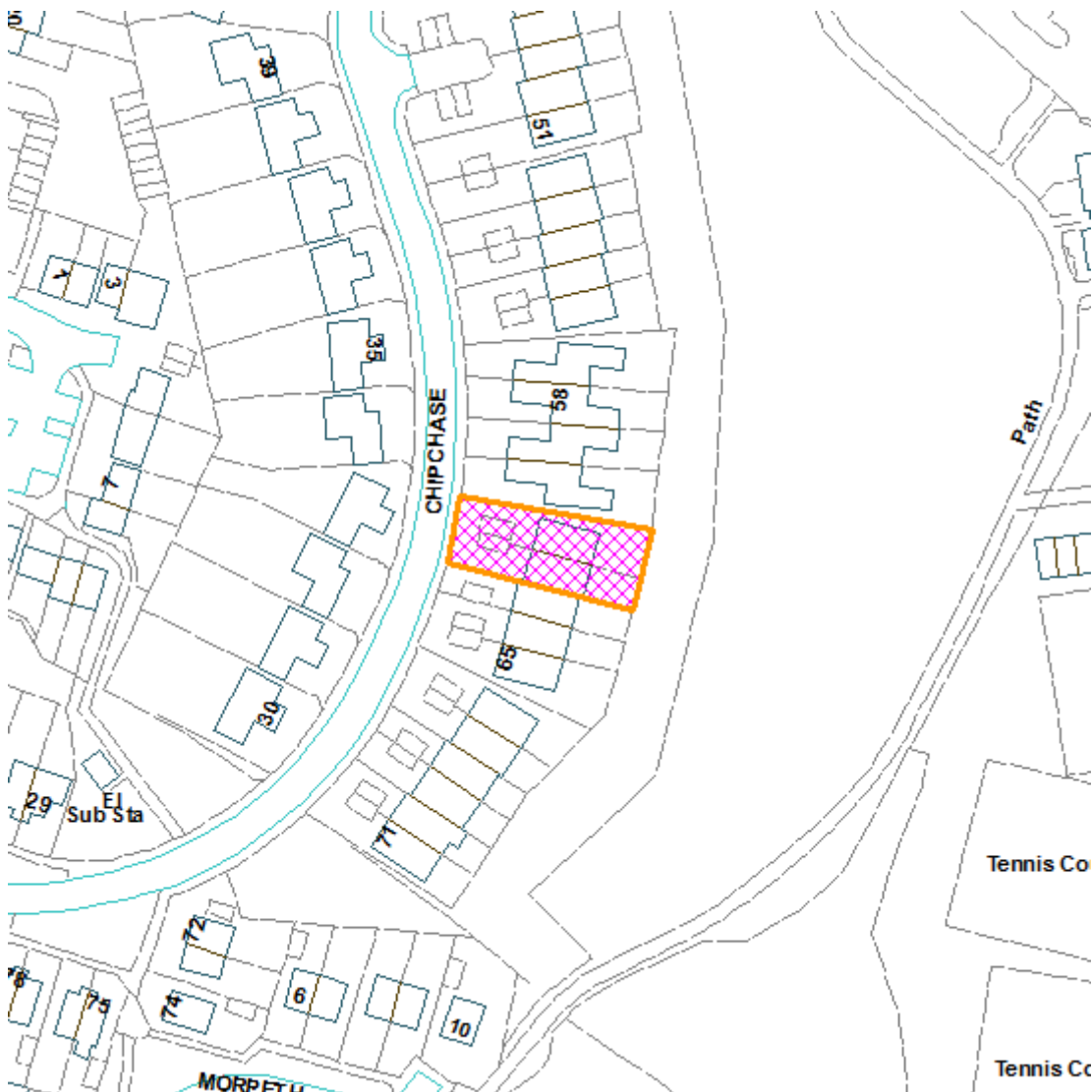
**Reference No.:** 18/00022/FUL Full Application

**Proposal:** **Erection of a single storey extension to the front to provide extended bedroom at 61 and extended kitchen area at 62.**

**Location:** 61 And 62 Chipchase Oxclose Washington NE38 0NG

**Ward:** Washington South  
**Applicant:** Mr Stephen Conway  
**Date Valid:** 9 January 2018  
**Target Date:** 6 March 2018

### Location Plan



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## **PROPOSAL:**

A combined planning application has been received relating to numbers 61 and 62 Chipchase which are both terraced properties situated within Washington. The properties are two-storey and utilise the loft space, which is illuminated via dormer windows. It is noted that this house design is typical of a number of properties within the area.

Number 61 Chipchase is located at the end of the terrace and the neighbour to the opposite boundary (number 60 Chipchase) is semi-detached and splayed away from the subject property. A 2 metre high boundary fence is situated to the side of this property adjoining number 61. The neighbouring property to the south (number 63) has a 1.8 metre high intervening boundary fence. Detached garages are located between the principle elevation of the dwelling houses and the highway in this section of the street, with garages predominately constructed in pairs. It is proposed to erect a joint single storey extension to the front of 61 and 62 Chipchase, which will provide an extended bedroom area to no. 61 and an extended kitchen area to no. 62. The extension has been designed to in fill the area between the original front walls of the dwellings and the rear elevations of the existing garages.

The proposal is to have a projection of 4.2 metres and a width of 7.3 metres designed with a dog leg for access into the front door of number 61. The proposal will also extend 1.5 metres to the south side of the garage to the front of 62 Chipchase and will contain a new entrance door facing the highway. The extension will feature a dual pitched roof which slopes away from the shared boundaries, and has a maximum eaves height of 2.7 metres increasing to a maximum ridge height of 3.9 metres.

A window serving a kitchen area will be inserted into the south side elevation, while the northern elevation will feature a large window and a high level circular window which will serve the extended bedroom.

## **TYPE OF PUBLICITY:**

Neighbour Notifications

## **CONSULTEES:**

Network Management  
Washington South - Ward Councillor Consultation

Final Date for Receipt of Representations: **02.02.2018**

## **REPRESENTATIONS:**

Publicity-

One letter of objection has been received from the occupier of number 60 Chipchase. The objectors' main concerns relate to;

- Overlooking and loss of privacy,
- Overshadowing and loss of light,

- Access restrictions relating to deliveries, resulting in the applicant utilising number 60 Chipchase for access.

With regard to access onto adjoining land, this would be a private matter and not something that would be a material consideration in the determination of this application.

The other issues raised will be addressed within the main body of the report.

Council's Highways team - No Observations

## **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

## **COMMENTS:**

### Policy Background

National planning guidance is provided by the National Planning Policy Framework (NPPF), which requires the planning system to be central to the delivery of 'sustainable development'. One of the 'core principles' of the NPPF is that planning should 'always seek to ensure high quality design and a good standard of amenity for all existing and future occupants of land and buildings, whilst paragraph 56 requires that great importance is attached to the design of the built environment - good design is a key aspect of sustainable development and is indivisible from good planning. Paragraph 64, meanwhile, states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

On a local level, policy B2 of the Council's adopted UDP requires new development to respect visual amenity and maintain an acceptable standard of amenity to existing dwellings. The Council's adopted 'Household Alterations and Extensions' SPD provides more detailed guidance in respect of domestic development; it encourages a high standard of design to such proposals and reiterates policy B2's requirement that visual amenity and the amenity of existing dwellings is respected.

With regard to the above policy framework, it is evident that the main issues to consider in assessing the application are the principle of the proposed development, impact on visual and residential amenity and impact on highway/ public safety.

### Principle of development

The site in question comprises part of an existing housing estate and is governed by Unitary Development Plan (UDP) Policy EN10. This policy requires that new development proposals should be compatible with the principal use of the neighbourhood.

The application site is situated within an established residential area and, given that the proposal constitutes the extension of residential properties, the proposal is considered to accord with UDP policy EN10.

## Visual and residential amenity

Policy B2 of the 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 terms of supplementary guidance to local planning policy, Section 7.2 of the SPD requires that proposals that front a public footpath or road will be required to be of a high standard of design which respects the appearance of the existing property and the character of the street scene. Materials, roof pitches and window styles will be expected to respect or match the current style.

The extension would be largely screened by the garages fronting the highway, would utilise appropriate materials which respect the appearance of the existing properties and would incorporate a roof design which would be considered suitable in relation to both host properties. Furthermore it is noted that a similar extension has been completed at number 66 Chipchase. Given these factors it is considered that the proposal would not appear incongruous in relation to the host properties' or within the existing street scene.

With regard to residential amenity, it is considered that in the event a 'stand-alone' extension of the height and depth proposed by the current application was added to the front of either property, it would have a significant harmful effect on the outlook from the front windows of the adjoining neighbour. Consequently, it is essential that the proposed development is commenced and completed as a whole, so that neither neighbour experiences any unacceptable harm to their amenity.

To this end, the application is a joint submission and the applicant has advised that the extension will be built as one development. On this basis, it is considered that the impact of the development on the amenity of the two host dwellinghouses is acceptable; it is recommended, however, that in the event Members are minded to approve the application, a condition be imposed which requires the approved development to be commenced and completed as a whole.

In terms of other neighbouring properties, it is evident that the siting of the extension is such that it is set off the shared boundaries, while the plot orientation of no. 60 and the screening provided by the intervening 2 metre fence and the 1.8 metre adjoining fence at number 63, ensures that the proposal would not appear overbearing, increase overshadowing or impact on privacy to a degree that would warrant a refusal in this instance.

## Highway Safety

With regard to Highway safety policy is T14 of the UDP sets out that proposals should not compromise highway safety or the free passage of traffic. The proposal is set back to the rear of the exiting garages and would not impact upon car parking provision or the highway network and therefore raises no pedestrian safety concerns, and as such is considered to be in accordance with UDP policy T14.

Based on the reasoning provided above, there are considered to be no material grounds to warrant a refusal of planning permission. Consequently, it is recommended that members be minded to approve the application, subject to the list of conditions as set out at the foot of this report.



## CONCLUSION

With regard to the above comments, it is considered that the implications of the development in relation to visual amenity, the amenity of neighbouring dwellings and highway and pedestrian safety is acceptable. Moreover, it is considered that subject to the recommended condition, the development will have an acceptable impact on the living conditions of the two host properties. The development therefore complies with the relevant policy guidance of the NPPF, the Council's UDP and the 'Householder Alterations and Extensions' SPD.

The application is consequently recommended for approval.

## EQUALITY ACT 2010 - 149 PUBLIC SECTOR EQUALITY DUTY

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

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

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

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

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

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

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

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

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

**RECOMMENDATION: APPROVE**, subject to the conditions below:

**Conditions:**

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

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

Existing and proposed plan, drawing number SCMR61CHIPCH/01, received 09.01.18

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

3 Notwithstanding any indication of materials which may have been given in the application; the materials to be used, shall be in accordance with those stated within Q11 of the application form received on the 23.01.18:

Doors - Brown mahogany Upvc

Roof - Brown plain Marley Modern interlocking concrete tiles

Walls -Brown facing brickwork with red tinted mortar

Windows -Number 62 Chipchase shall match existing colour and style and number 61 Chipchase shall incorporate olive grey frames to match existing dormer,

Unless the Local Planning Authority first agrees any variation in writing; in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.

4 The elements of the approved development at the front of each respective dwellinghouse (i.e. nos. 61 and 62 Chipchase) must be commenced and constructed concurrently, in order to ensure the development has an acceptable impact on the amenity of the dwellings and to comply with the objectives of policy B2 of the Council's UDP.

**Reference No.:** 18/00163/TP3 Tree Preservation order LAP Reg 3

**Proposal:** **Fell diseased ash tree located to the side of property.**

**Location:** 113 Dairy Lane Houghton-le-Spring DH4 5QH

**Ward:** Houghton

**Applicant:** Sunderland City Council

**Date Valid:** 31 January 2018

**Target Date:** 28 March 2018

### Location Plan



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## **PROPOSAL:**

Consent is sought for works to one tree protected by TPO C. The tree in question is located on land to the side of 113 Dairy Lane, Houghton le Spring. The application has been submitted by the City Council on land in its ownership and for this reason the application falls to being determined by Committee.

The proposal intends to fell the ash tree, identified as T10 on the TPO.

## **TYPE OF PUBLICITY:**

Site Notice Posted

## **CONSULTEES:**

Houghton - Ward Councillor Consultation

Final Date for Receipt of Representations: **27.02.2018**

## **REPRESENTATIONS:**

This application has been publicised by means of a site notice and no representations have been received to date. At the time of the preparation of the committee report the site notice time period had not expired and as such it is the intention to report any representations to the Committee at a later date.

## **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 in this instance is the impact of the proposed works on the character, appearance and amenity value of the area.

Policy CN17 of the adopted Unitary Development Plan (UDP) is applicable in this instance, which states that the 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 tree is a mature specimen and holds a prominent position within Dairy Lane. It is considered to be of high amenity value which forms a positive contribution to the area and the setting of Dairy Lane.

The Council's Arboricultural Officer confirmed that the reason to fell the tree, is subject to it being diseased and as such a replacement is intended. The Council's Arboroculturalist also confirmed

that an acceptable replacement species of tree for this location would be a lime tree, as a good quality replacement to blend in with other existing lime trees within the area. A condition will be imposed to ensure that the details of size, location and timescale for replanting is submitted to and approved, in writing, prior to felling works.

With a good quality replacement, in this location, it is therefore considered that the amenity of the area would not be harmed to a degree which would warrant the appclaiton unacceptable.

For such reasons, the proposal is considered to be compliant with the requirements of policy CN17 of the UDP and it is therefore recommended that Members be minded to grant consent for the proposed tree works, subject to the conditions set out below.

#### Equality Act 2010 - 149 Public Sector Equality Duty

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

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

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

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

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

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

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

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

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

**RECOMMENDATION:**

Minded to grant consent under the Town and Country General Regulations Order 1992 subject to expiry of site notice and no representations being received.

**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.

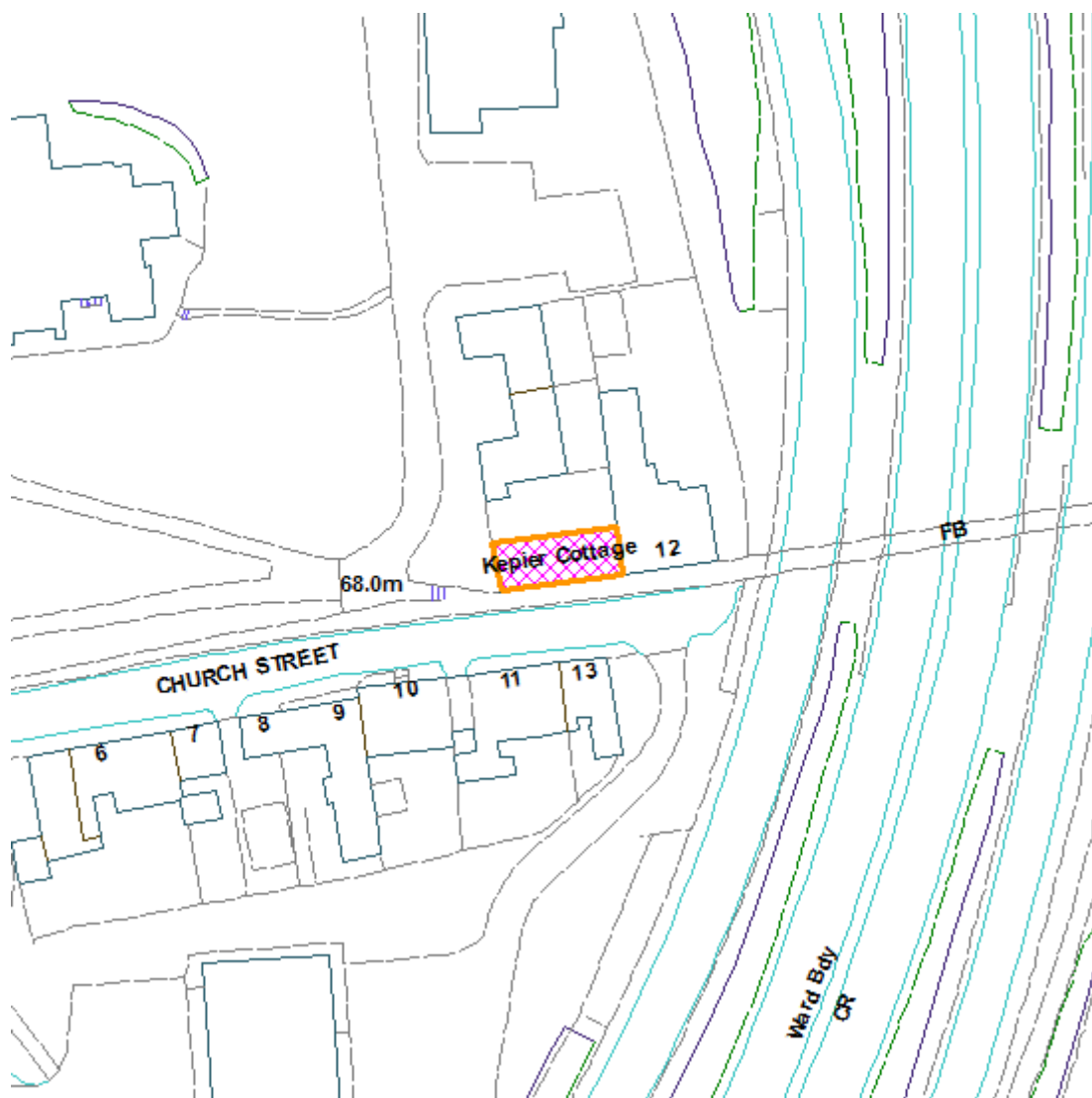
**Reference No.:** 18/00164/TP3 Tree Preservation order LAP Reg 3

**Proposal:** **Prune back sycamore limbs overhanging property roof and remove epicormic growth and dead wood.**

**Location:** Kepier Cottage Church Street Houghton-le-Spring DH4 4DN

**Ward:** Houghton  
**Applicant:** Sunderland City Council  
**Date Valid:** 30 January 2018  
**Target Date:** 27 March 2018

### Location Plan



**PROPOSAL:**

Consent is sought for works to one tree protected by TPO 127. The tree in question is located on land to the side of Kepier Cottage, Church Lane, Houghton le Spring. The application has been submitted by the City Council on land in its ownership and for this reason the application falls to being determined by Committee.

The submission sets out to prune back a limb that is overhanging the property roof and to remove epicormic growth and dead wood.

**TYPE OF PUBLICITY:**

Site Notice Posted

**CONSULTEES:**

Houghton - Ward Councillor Consultation

Final Date for Receipt of Representations: **23.02.2018**

**REPRESENTATIONS:**

This application has been publicised by means of a site notice and no representations have been received to date. At the time of the preparation of the committee report the site notice time period had not expired and as such it is the intention to report any representations to the Committee at a later date.

**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 in this instance is the impact of the proposed works on the character, appearance and amenity value of the area.

Policy CN17 of the adopted Unitary Development Plan (UDP) is applicable in this instance, which states that the 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 tree has a high amenity value and forms a positive contribution to the area and the setting of St Michael's Church and the conservation area.

The Council's Arboricultural Officer confirmed that the work is required to prevent the tree damaging tiles of the roof of Kepier Cottage. In this instance the level of works would be such that the amenity value of the tree would be retained with minimal harm to the character and appearance of the tree within its setting within the Conservation Area, in accordance with policy CN17, above.

For such reasons, the proposal is considered to be compliant with the requirements of policy CN17 of the UDP and it is therefore recommended that Members be minded to grant consent for the proposed tree works, subject to the conditions set out below.

#### Equality Act 2010 - 149 Public Sector Equality Duty

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

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

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

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

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

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

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

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

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

**RECOMMENDATION:**

Minded to grant consent under the Town and Country General Regulations Order 1992 subject to expiry of site notice and no representations being received

**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.

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