

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

AGENDA

**Meeting to be held in Committee Room 2 on Tuesday, 9th January, 2018
at 5:45 p.m.**

| ITEM | | PAGE |
|------|---|------|
| 1. | Receipt of Declarations of Interest (if any) | |
| 2. | Apologies for Absence | |
| 3. | Applications made under the Town and Country Planning Acts and Regulations made thereunder Report of the Executive Director of Economy and Place (copy herewith) | 1 |
| 4. | Town and Country Planning Act 1990 – Appeals Report of the Executive Director of Economy and Place (copy herewith) | 50 |

E. WAUGH,
Head of Law & Governance.

Civic Centre,
SUNDERLAND.

29th December, 2017

Development Control (Hetton,Houghton and Washington) Sub-Committee

9th January 2018

REPORT ON APPLICATIONS

REPORT BY THE EXECUTIVE DIRECTOR OF ECONOMY AND PLACE

PURPOSE OF REPORT

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

LIST OF APPLICATIONS

Applications for the following sites are included in this report.

1. 16/01541/FUL
Land East Of Quarry House Lane East Rainton Houghton-le-Spring
2. 17/00785/ADV
Various Roundabouts Washington Area
3. 17/01842/FUL
29 - 35 Rose Avenue Fence Houses Houghton-le-Spring DH4 6JB

COMMITTEE ROLE

The Sub Committee has full delegated powers to determine applications on this list. Members of the Council who have queries or observations on any application should, in advance of the above date, contact the Sub Committee Chairperson or the Development Control Manager (019 561 8755) or email dc@sunderland.gov.uk .

DEVELOPMENT PLAN

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

Unitary Development Plan - current status

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

STANDARD CONDITIONS

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

SITE PLANS

The site plans included in each report are illustrative only.

PUBLICITY/CONSULTATIONS

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

LOCAL GOVERNMENT ACT 1972 – ACCESS TO INFORMATION

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

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

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

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

Peter McIntyre

Executive Director Economy and Place

Reference No.: 16/01541/FUL Full Application

Proposal: **Development of 33 detached residential properties with associated access and infrastructure works.(Revised layout 13.04.2017)**

Location: Land East Of Quarry House Lane East Rainton Houghton-le-Spring

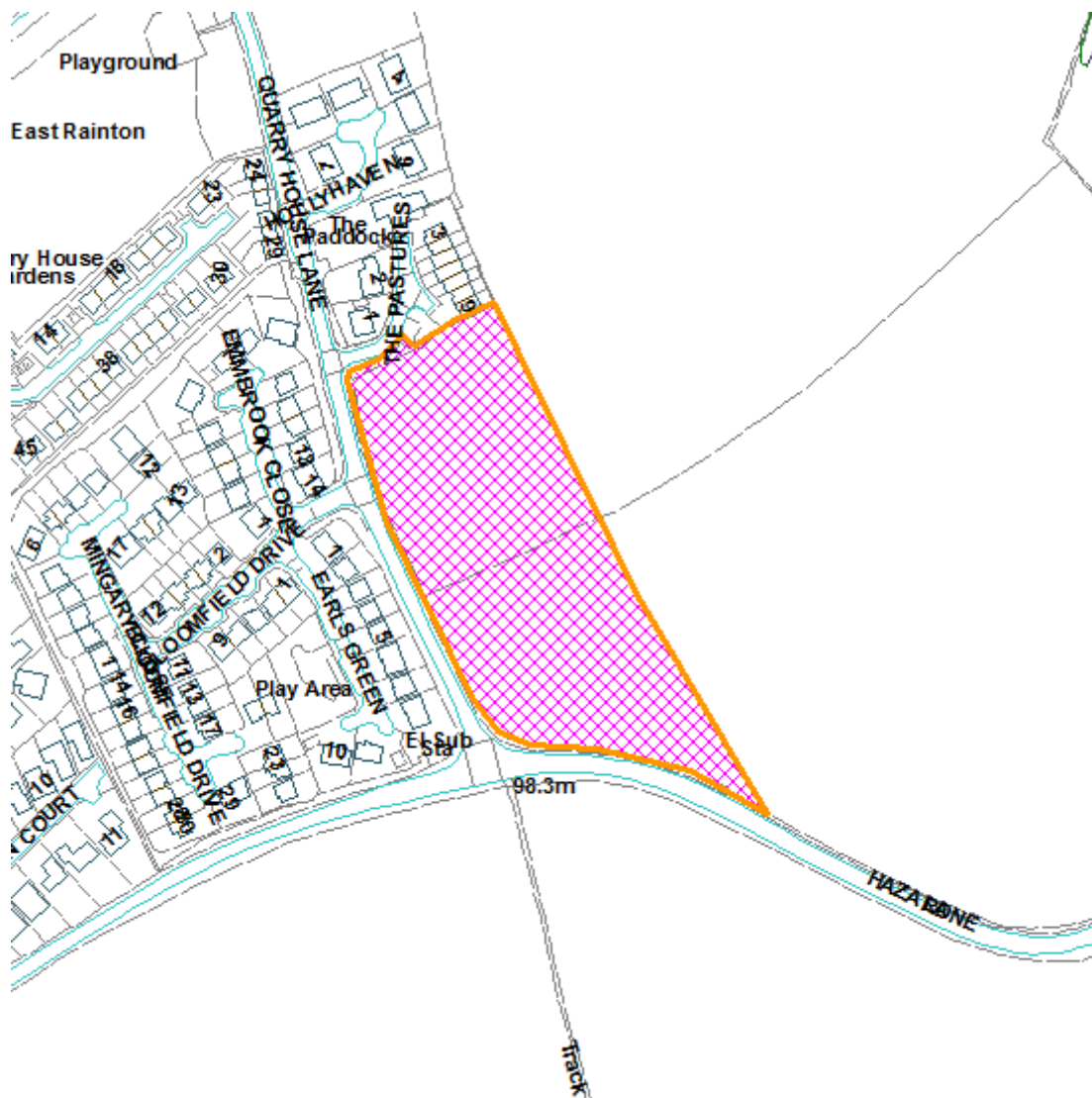
Ward: Hetton

Applicant: Seneca Homes

Date Valid: 26 August 2016

Target Date: 25 November 2016

Location Plan



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PROPOSAL:

The proposal is for the erection 33 detached residential properties with associated access and infrastructure works. (Revised layout 13.04.2017)

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Natural England
Environmental Health
Network Management
Hetton Town Council
Hetton - Ward Councillor Consultation
Director Of Childrens Services
The Coal Authority
Northumbrian Water
Flood And Coastal Group Engineer
Environmental Health

Final Date for Receipt of Representations: **19.10.2017**

REPRESENTATIONS:

Statutory and non statutory responses

Natural England - No response received.

Environmental Health - no adverse comments received subject to conditions being imposed in respect of land contamination, noise assessment compliance, coal mining/gas monitoring and construction management environmental plan.

Network Management - No adverse comments received

Hetton Town Council - No objection submitted but observation made in respect of traffic, amount of development in the village and access to local amenities.

Hetton - Ward Councillor Consultation - No comments received in respect of the application of the agreed section 106 contributions.

Director Of Childrens Services - No adverse comments received.

The Coal Authority No objection to the proposed development subject to conditions being imposed as set out in the Coal Authority response 4th response letter.

Northumbrian Water -The planning application does not provide sufficient detail with regards to the management of foul and surface water from the development for Northumbrian Water to be able to assess our capacity to treat the flows from the development. We would therefore request the following condition:

CONDITION: Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. Thereafter the development shall take place in accordance with the approved details.

REASON: To prevent the increased risk of flooding from any sources in accordance with the NPPF.

How To Satisfy The Condition

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

- Soakaway
- Watercourse, and finally
- Sewer

Flood And Coastal Group Engineer - No objections to the proposed development subject to conditions being imposed to comply with the submitted information.

Neighbour Representation

12 Letters of representation have been received to the proposed development. The proposed concerns are listed below:-

- The village is becoming over developed especially in light of the development being undertaken at the moment
- Loss of more green open fields due to development
- Loss of wildlife and biodiversity
- Increase in traffic to Quarry house Lane increasing potential danger to children going to school
- Existing mine shaft on the site and the problems it could create
- Encroachment- the proposed pedestrian access in to the Pastures from the proposed development
- Further pressure imposed on local amenities and services
- Loss of views and privacy
- Overdevelopment due to amount of housing already approved
- Contrary to Policy CN6 of the adopted Unitary Development Plan
- Pressure on Local Schools, Doctors
- Issues with Flood Risk Assessment
- Traffic Safety Issues in the village
- Should the development be permitted conditions should be imposed to deal with mud on the road and associated noise generated from the building site
- Impact of development on Earls Green residents by way loss of views and privacy

The proposed objections had been responded to through out the main section of the report.

POLICIES:

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

B_2_Scale, massing layout and setting of new developments
CN_6_Retain / enhance important open breaks & wedges between / within settlements
T_14_Accessibility of new developments, need to avoid congestion and safety problems arising
T_21_Factors to be taken into account in the provision of parking
T_22_Parking standards in new developments
EN_5_Protecting sensitive areas from new noise/vibration generating developments
EN_14_Development on unstable or contaminated land or land at risk from landfill/mine gas
CN_22_Developments affecting protected wildlife species and habitats
CN_18_Promotion of nature conservation (general)
EN_1_Improvement of the environment

Considerations

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

- Principle of residential development;
- Urban Design;
- Highway Access and Car Parking;
- Ecology;
- Flood Risk and Risk to Controlled Waters;
- Ground Conditions and Coal Mining Legacy
- Archaeology;
- Section 106 contributions.

Principal of Development

The proposed development site is shown as an area of "Settlement Break" on the Council's adopted Unitary Development Plan (UDP) proposals map.

The proposed development is a departure from the adopted Unitary Development Plan and has been advertised accordingly

National Planning Policy

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)), 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 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. This means that authorities when determining planning applications 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 impacts of the proposed development are considered under the various headings in this Considerations section of the report

Further, part 6 of the NPPF is concerned with "Delivering a Wide Choice of High Quality Homes" which is relevant to the consideration of this application. Paragraphs 47 and 49 of the NPPF are particularly relevant to the consideration of this application.

Paragraph 47 states that:

To boost significantly 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.

Paragraph 49 of the NPPF states that:

- Housing applications should be considered in the context of the presumption in favour of sustainable development. 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), under the NPPF the 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.

Following the revocation of the Regional Spatial Strategy in April 2013 (and the 5 year housing targets provided in the RSS), work is currently ongoing by the City Council towards establishing a five year supply of housing land based upon robust and up to date evidence of the city's housing needs.

Although it is considered likely that a five year supply of deliverable housing sites in the city can be demonstrated, the work to support this view is still developing and has not been subject to independent examination through a public inquiry and is currently, in draft. Therefore, on balance, at this stage the Local Planning Authority cannot say with certainty that a five year supply of deliverable housing sites is available and the therefore the more up to date development management and housing policies in the NPPF should be given greater weight when considering this application to the housing policies in the saved development plan.

Local Planning Policy

The proposed development site is allocated as Settlement Break in the Council's adopted Unitary Development Plan (UDP) and is therefore subject to Policy CN6 which states that:

"Important open breaks and wedges between settlements will be retained and enhanced".

The application is therefore contrary to Policy CN6. However, for the reasons stated above, the application needs to be considered against the more up to date development management tests set out in the NPPF.

Furthermore, the application site is considered suitable for housing development and has been included in the Council's most recent Strategic Housing Land Availability Assessment 2017(SHLAA) (site 421) as a 'deliverable' housing development site which is available, suitable and viable for residential development.

In the 2016 Settlement review the site was identified as not acting or resembling a settlement break in the 2016 Settlement Break Review. Site is available and achievable and has the potential to deliver around 42 units in the 6-10 year period, subject to the submission and determination of a detailed planning application.

In summary, there is not considered to be any clear conflict with the aforementioned land use-related policies in the UDP. However, and as has been raised by a number of objectors to the application, it is recognised that the application involves the development of a greenfield site, rather than securing the more desirable redevelopment of previously-developed 'brownfield' land. In addition, objectors have also raised concern regarding the amount of new housing being built, or with planning permission, in the wider Houghton-le-Spring and Coalfields area.

Nevertheless, and especially as the Council cannot currently demonstrate the availability of a deliverable 5-year supply of housing land, the application needs to be considered in light of the presumption in favour of sustainable development and the relevant impact tests set out at paragraph 14 of the NPPF, together with the Government's objective of boosting the supply and choice of housing availability. In this regard, the proposed development will make a modest, but valuable, contribution to housing supply and in the absence of any clear conflict with relevant local and national land-use policies or a robustly-tested supply of housing land, the proposed development of this greenfield site for residential purposes is considered to be acceptable in

principle, subject to the assessment of other impacts of the scheme, which are addressed in more detail below

Local Policy - Emerging Local Development Framework (LDF)

Paragraph 216 of the NPPF states that decision takers may give weight to relevant policies in emerging plans, from the date of publication, according to:

- a) the stage of preparation of the emerging plan;
- b) the extent to which there are unresolved objections to relevant policies; and
- c) the degree of consistency of the relevant policies with the NPPF.

In July 2017, the City Council issued a draft of its emerging Core Strategy and Development Plan for consultation. Following this exercise a substantial amount of representations have been received which are being considered by Officers tasked with delivering the Plan. Furthermore, it is anticipated that the Publication Version of the Plan will not be available until early 2018. As a consequence, the weight that can be given to the consultation document is considered to be limited and that it is not sufficiently advanced to assist materially in determining the application proposal.

To summarise, 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.

Given that the application site is flanked by residential development to the north and west and is located within an area which is primarily residential in character, it is considered that the proposed development is, in terms of broad land use principles, an acceptable use of the application site.

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.

With regard to the above, it is considered that whilst policy CN6 of the UDP seeks to retain settlement breaks identified by the UDP, this position cannot reasonably be maintained or supported in relation to the application site given that the Council's most up-to-date Review has concluded that the Settlement Break in question does not resemble or act as a settlement break and that the land can be developed with only a minor adverse impact on the character of the area.

In summary, and with reference to the comments provided above, there is not considered to be any unacceptable conflict with the aforementioned land use-related policies in the UDP. As has been raised by a number of objectors to the application, it is recognised that the application involves the development of a greenfield site, rather than securing the more desirable redevelopment of previously-developed 'brownfield' land and objectors have also raised concern regarding the amount of new housing being built, or with planning permission, in the wider Newbottle/Houghton-le-Spring area and the 'urbanising' effect this is having on the character and appearance of the area.

Nevertheless, and especially as the Council cannot currently demonstrate the availability of a deliverable 5-year supply of housing land, the application needs to be considered on its own merits and in light of the presumption in favour of sustainable development and the relevant impact tests set out at paragraph 14 of the NPPF, together with the Government's objective of boosting the supply and choice of housing availability. In this regard, the proposed development will make a modest, but valuable, contribution to housing supply in the City and in the absence of any clear conflict with relevant local and national land-use policies and a robustly-tested supply of housing land, the proposed development of this greenfield site for residential purposes is considered to be acceptable in principle, subject to the proper assessment of other impacts of the scheme and relevant material planning considerations, which are addressed in more detail below.

Objectors to the application have also suggested that other areas of the City should share the burden of new housing, rather than so much being focused on the Houghton area. In this regard, each development proposal must be considered on its own merits and with reference to relevant local and national planning policy considerations and individual applications for new housing in the Houghton area cannot be resisted solely on the basis that a significant amount of housing has already been built or approved. Nevertheless, it is considered reasonable to suggest that other areas of the City are taking their share of new housing development; for example, the South Sunderland Growth Area would represent an urban extension to the south of Ryhope, Tunstall and Doxford Park capable of delivering 2800-3300 new dwellings over the next 15-20 years.

Some objectors to the scheme have also suggested that as the population of Sunderland is perceived to be 'falling', there is no need for new housing to be built. In this regard, the Council's most recent Strategic Housing Market Assessment (SHMA) of March 2016 includes an Objectively Assessed Housing Need, which uses factors such as census data, population projections, household projections, vacancy rates, growth aspirations and job creation to provide a recommended figure for the number of new dwellings required in the City for the period 2015-2035. The SHMA identifies that the City continues to lose population, particularly young family forming households, to adjacent authority areas and commute back into the City to work. Clearly, this is not a sustainable option and it is therefore essential that the City continues to deliver high-quality housing sites to encourage the development of family homes and/or executive properties. To this end, the Objectively Assessed Housing Need within the SHMA recommends the delivery of 819 new dwellings per year in the City for the period 2015-2035.

Objectors have also expressed concern that the proposed housing and other new housing developments in the Houghton/Hetton area are being built without tandem improvements in infrastructure, facilities and services. Particular concerns have been expressed in relation to school place provision and the capacity of local health centres.

In this regard, the Council's Education team has not objected to the application, provided that the developer makes a financial contribution to support the provision of primary school facilities in the area. A contribution of £128,280.24 has been sought and the developer has agreed to the payment of this sum as a requirement of a legal agreement under section 106 of the Town and Country Planning Act 1990 (as amended).

Principle of Development - Summary

Although the application is contrary to site specific policy CN6 in the development plan, the application needs to be considered in light of the presumption of sustainable development and the impact tests set out in paragraph 14 of the NPPF.

The application site has been identified as being suitable for release for housing in the SHLAA and to assist in the delivery of quality housing to meet the city's housing requirements.

To conclude, whilst the proposed residential development affects a greenfield site which is identified as a 'settlement break' by the Council's UDP, it must be recognised that the Council cannot demonstrate the availability of a 5-year supply of housing land and that the Council's most recent Settlement Break Review does not recommend the maintenance of this settlement break. As such, and having given consideration to the most relevant national and local planning policies, it is considered that the principle of developing the site for residential purposes is acceptable.

The proposed residential development is therefore considered to be acceptable in principle subject to the assessment of the other impacts of the development which are considered below.

Impact of development on amenity and design

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 CN17 seeks to protect valuable trees and hedgerows.

In terms of the visual amenity of the locality, it is clear that the application site affects a greenfield site, the northern part of which is rough grass/scrubland while the southern part is currently in arable production. This site lies on a south and east facing gentle slope. The north site boundary is defined by the driveway and gardens of visually prominent residential properties on the residential estate known as The Pastures. The western and southern boundaries are defined by Quarry House Land and Hazard Lane respectively and the eastern boundary is shared with open farmland.

The application submitted for consideration by members has a detailed layout that has been designed to encourage natural surveillance from the principal development block frontages to ensure that parking is semi-private and public areas are readily visible.

The design and layout has also been designed to allow easy movement of vehicles and pedestrians through the site with the main point of access gained from Quarry House Lane. To assist pedestrian movement and connectivity with the village centre a pedestrian link to the Pastures Estate to the north has been provided.

The main green space is located to the south of the site which ensures good access to all residents. The dwellings within the layout have been positioned to provide a varied vista therefore avoiding and uniformly straight street scenes. The proposed number of dwellings represents a modest increase in the size of the settlement. The 33 dwellings proposed represent the predominant style of two storey dwellings in close proximity to the site.

The proposed materials have not been submitted at this stage, if members are minded to grant consent, it is recommended that a condition be imposed in respect of all materials to be used on site be agreed prior to commencement.

In respect of spacing standards the interaction between existing and proposed dwellings needs to ensure that amenity levels are not detrimentally affected. This has been achieved through appropriate boundary treatments and generous stand-off distances.

All dwellings proposed are two storeys in height. All of the dwellings proposed include private outdoor amenity space (private garden areas) and private car parking in the form of integral and detached garages and driveways.

Appropriate spacing, to protect the privacy of occupiers, is retained between dwellings in general accordance with the Council's adopted standards of 21 metres between main facings elevations and 14 metres between main elevations and blank gable walls.

The proposed development is therefore considered to be acceptable in terms of urban design and as such complies with policy B2 of the Unitary Development Plan.

With reference to the above comments, it is considered that impact of the proposed development on visual and residential amenity is acceptable, in accordance with the requirements of policies CN17, B2 and H4 of the UDP, the Council's Residential Design Guide SPD and the core principles of the NPPF.

Highway Access and Car Parking

Policy T14 of the Council's adopted UDP is relevant to the consideration of the highway arrangements for this application.

Policy T14 requires that:

Proposals for new development should:

1. Be readily accessible by pedestrians and cyclists as well as users of public and private transport from the localities which they are intended to serve.
2. Not cause traffic congestion or highways safety problems on existing roads.
3. Make appropriate safe provision for access and egress by vehicles (including buses), pedestrians, cyclists and other road users, paying particular attention to the needs of people with mobility impairment;
4. Make provision for the loading and unloading of commercial vehicles (for commercial development);
5. Indicate how parking requirements will be accommodated.

Highway Access

The proposed development will be accessed from Quarry House Lane via a simply T Junction. The proposed site access junction is approximately 65m to the south of Bloomfield Drive and 65 m North of Robin Lane/Hazard Junction.

The site access from Quarry House Lane will have a visibility splay of 2.4m x 43 m to the entrance of the site. The access point has been carefully considered and as such is satisfactory to comply with policy T14 of the adopted Unitary Development Plan.

The internal layout of the proposed development is formed by a 5.5m carriageway with a 2m footpath as well as appropriate turning heads for the provision of refuse and other service vehicles. The proposed site layout also shows that the development will be integrated with the existing non-motorised infrastructure surrounding the site.

A swept path analysis has been undertaken by the applicant in order to confirm a refuse vehicle can satisfactorily use the turning head to manoeuvre in and out of the site.

Car Parking

Private car parking is provided for each property via a variety of means, these being private driveways, integral and detached garages. Visitor car parking is distributed evenly throughout the development.

Sustainable Transport

Access to public transport is available with bus stops present on Durham Road. These bus stops are located approximately 600m from the site access junction and are served by bus routes 20/20A and 168.

Summary conclusion on sustainable Transport

Overall, it is concluded that the site has a number of education, retail and employment destinations within an acceptable walking distance. The proposed site layout shows how the development will be integrated with the existing non-motorised infrastructure surrounding the site..

Ecology Implications

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.

As set out in the 'Representations' section of this report, the Council's Ecologist has not objected to the application, on the basis that the development will afford appropriate on-site biodiversity mitigation and enhancement measures in the form of retained trees and hedges.

A detailed plan showing hedgerows to be retained and newly created hedgerows is required in accordance with the mitigation proposed in the above report it should also detail how the hedgerows will be maintained and by who.

Further information is required in relation to the newly created wildlife habitat, such as a maintenance plan detailing who will manage the newly created habitats and the period which the management will take place. Specification for the bird bricks need to be provided as well as a plan showing where the bricks will be located along with clarification on the specification for the house sparrow boxes, number and location. A detailed lighting plan should be provided to help meet the mitigation requirements identified within the above report. Tree planting is referenced in the report but numbers, size and location of trees is missing from the 'proposed location of compensatory habitat to include wildflower grassland and native species hedgerow' plan.

In the event Members are minded to approve the application, it is recommended that a condition be imposed which requires adherence with the mitigation/enhancement measures recommended by the Ecological Appraisal submitted with the planning application.

The applicant has agreed an offsite financial contribution of £26,400 for ecological protection and improvement measures to the Moorsley-Hazard-Rainton Wildlife and Green Infrastructure Corridors and, in part, Robin House and Moorsley Marsh Local Wildlife Site. The contribution will assist in addressing increased negative impacts on biodiversity from people and domestic animals, and improve woodland and wetland habitats and green infrastructure associated with the new development site.

The contribution shall be paid on commencement of the development and money shall be spent within 5 years completion of the site

Summary of Ecological issues

The proposed ecological enhancement and mitigation is considered acceptable and as such is considered to comply with both national and local planning policies.

Drainage and Flood Risk;

The impact of the development in respect of flooding and drainage;

The aim of this FRA and drainage strategy report is to evaluate the current proposals with regard to flood risk and drainage, and identify potential flood risk to and from the development site.

- i. Assessment of the development potential of the site with regards to flood risk in line with the National Planning Policy Framework (NPPF) and Flood Risk and Coastal Change Planning Practice Guidance (PPG).
- ii. An assessment of the surface water runoff.

National Planning Policy Framework (NPPF) and Planning

Practice Guidance (PPG) is to ensure that flood risk is taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding, and to direct development away from areas at highest risk. Where new development is, exceptionally, necessary in such areas, policy aims to make it safe without increasing flood risk elsewhere and where possible, reducing flood risk overall.

A risk-based approach should be adopted at all levels of planning. Applying the source pathway-receptor model to planning for development in areas of flood risk requires:

- a strategic approach which avoids adding to the causes or "sources" of flood risk, by means as avoiding inappropriate development in flood risk areas and minimising run-off from new development onto adjacent and other downstream property, and into the river systems;
- managing flood "pathways" to reduce the likelihood of flooding by ensuring that the design and location of the development maximises the use of SuDS, and takes account of its susceptibility to flooding, the performance and processes of river/coastal systems and appropriate flood defence infrastructure, and of the likely routes and storage of floodwater, and its influence on flood risk downstream; and

- reducing the adverse consequences of flooding on the "receptors" (i.e. people, property, infrastructure, habitats and statutory sites) by avoiding inappropriate development in areas at risk of flooding.

Flood risk assessment should be carried out to the appropriate degree at all levels of the planning process, to assess the risks of all forms of flooding to and from development taking climate change into account. A sequential risk-based approach should be applied to determining the suitability of land for development in flood risk areas.

In areas at risk of river or sea flooding, preference should be given to locating new development in Flood Zone 1. If there is no reasonably available site in Flood Zone 1, the flood vulnerability of the proposed development can be taken into account in locating development in Flood Zone 2 and then Flood Zone 3

Within each Flood Zone new development should be directed to sites at the lowest probability of flooding from all sources. Flood risk has been categorised as High, Medium and Low based on the probability of inundation. The Flood Risk and Coastal Change PPG highlights the likely response to planning applications within each Flood Zone.

Residential development is categorised as "more vulnerable" and therefore should only take place within Flood Zones 1 or 2.

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, following initial consultation with the Council's Flood and Coastal team, was revised and improved. The FRA 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. Surface Water Flood mapping does identify that the existing site is subject to low flood-risk in its south-eastern corner, although this risk will be eliminated through positive drainage of proposed impermeable areas.

Northumbrian Water

The planning application does not provide sufficient detail with regards to the management of foul and surface water from the development for Northumbrian Water to be able to assess our capacity to treat the flows from the development. We would therefore request the following condition:

CONDITION: Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. Thereafter the development shall take place in accordance with the approved details.

REASON: To prevent the increased risk of flooding from any sources in accordance with the NPPF.

How To Satisfy The Condition

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

- Soakaway
- Watercourse, and finally
- Sewer

The Council's Flood and Coastal Team has considered the application details and, following the revisions and improvements to the submitted FRA and Drainage Strategy, has confirmed that the proposed drainage strategy for the site is acceptable.

Summary conclusion on Flood Risk and Drainage

Subject to the imposition of such conditions, it is considered that the proposed drainage scheme will be acceptable and will result in the development being compliant with the aims and objectives of the aforementioned UDP policies, the NPPF and the DEFRA guidance in this regard.

The impact of the development in respect of ground conditions, including coal mining legacies; 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.

Policy EN14 is relevant to the consideration of this planning application.

Policy EN14 of the adopted UDP states that:

Where development is proposed on land which there is a reason to believe is either:

- Unstable or potentially unstable;

- Contaminated or potentially at risk from migrating contamination;
- Potentially at risk from migrating landfill gas or mine gas;

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 instability, contamination, or gas migration 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.

This planning application is accompanied by a preliminary Geotechnical and Ground Contamination Desk Top Review and 4 Coal Mining Reports. Extensive work has been carried out on the site in respect of the historic mining legacy in the area. The applicant has worked closely with the Local Planning Authority, Environmental Health and the Coal Authority to secure a scheme that has evaluated the mining history and all parties are satisfied that the site can be developed for residential dwellings..

A Phase II "Supplementary Ground Investigation Report" by JNP Group engineers dated 6 September 2017 has been provided for the development. In addition, an updated Supplementary Ground Investigation Report was provided on the 28th September 2017.

The response of the Coal Authority dated 17th October has also been considered. It is evident that they wish to have a pre-commencement condition set for agreement of a remedial strategy and implementation of the strategy to treat the shaft and the ground above the shaft.

Coal Authority Response

You will recall from previous consultation responses that The Coal Authority objected to the application due to concerns regarding the lack of clarity regarding the results of site investigations carried out to locate the mine entry and concerns over the measures proposed to mitigate the risk posed by this coal mining related feature.

The applicant has now submitted a Supplementary Ground Investigation Report (H76144-GIR03 RevA, September 2017, prepared by JNP Group) in support of their planning application.

The submitted Report indicates at Section 12.10 that a probe drilling exercise successfully located the mine shaft, which was found to have a diameter of approximately 2.5m. The Report advises that the shaft should be pressure grouted from its base and that no building should be allowed over the mine shaft area, with an appropriate exclusion zone for all buildings.

The shaft has been located slightly to the west of The Coal Authority's plotted position for the feature, but is present within part of the site which is intended to be used a turning head (between Plots 30-31 and 32-33). As the applicant's technical consultant is aware that a detailed site layout has been formulated for the proposed development (shown within the appendices), we assume that they are satisfied that the proposed built development is positioned outwith the recommended building exclusion zone.

The Coal Authority is pleased to note that the submitted Report recommends grouting works to stabilise the shaft fill. However, having discussed the matter with colleagues in our Permissions and Licensing Team, as the shaft will not be capped (due to the significant depth to rockhead) it is considered that additional measures should be incorporated within zone of influence of the shaft to address residual ground movement e.g. a below surface geo-textile membrane. Details of these additional measures and the proposed drilling and grouting works should form part of a remedial strategy to be implemented before development commences.

The Coal Authority Recommendation to the LPA

The Coal Authority concurs with the recommendations of the Supplementary Ground Investigation Report; that coal mining legacy potentially poses a risk to the proposed development and that remedial works to treat the recorded mine entry are required to ensure the safety and stability of the proposed development.

The Coal Authority recommends that the LPA impose a Planning Condition should planning permission be granted for the proposed development requiring the undertaking of these remedial works prior to commencement of development.

A condition should therefore require prior to the commencement of development:

- * The submission of remedial strategy to mitigate the risk posed by the recorded mine entry, for approval; and
- * The implementation of the approved remedial strategy.

The Coal Authority considers that the content and conclusions of the Supplementary Ground Investigation Report are broadly sufficient for the purposes of the planning system and meet the requirements of the NPPF in demonstrating that the application site is, or can be made, safe and stable for the proposed development. The Coal Authority therefore withdraws its objection to the proposed development subject to the imposition of a condition to secure the above.

Summary conclusion on Ground condition and coal mining legacy

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.

Noise Assessment

A noise assessment has been provided in support of the application (ref Wardell Armstrong July 2016).Noise measurements of the prevailing background climate have been taken at two locations on the site during the daytime and night time. The predominant noise source on the site was identified to be from the traffic on Quarry House Lane and Hazard Lane.

The results of the assessment identifies that noise mitigation will be required for the new homes in order that acceptable noise levels are achieved both inside and in the outdoor areas.

Section 6 of the submitted report details the measures required to achieve this and include:-

- 1) An acoustic fence 1.m high for plot 30.
- 2) Acoustic ventilation for plots facing directly onto Quarry House Lane and Hazard Lane for habitable rooms as identified in Figure 4 of the submitted report.

It is therefore recommended that if members are minded to grant consent that conditions should be imposed in respect of a Construction Management Environmental Plan and specific conditions in respect of noise mitigation measures and as such is considered to comply with both National and Local Plan policies.

Overall the development is considered to accord with both national and local policy, in that it will not give rise to significant adverse impacts on health and quality of life as a result of new development

Archaeology;

In line with the requirements of aforementioned paragraph 141 of the NPPF, policy B13 of the UDP states that the Council will seek to safeguard sites of local archaeological significance, whilst policy B14 states that where development proposal affect sites of known archaeological importance, an archaeological assessment or evaluation may be required.

As noted in the 'Representations' section of this report, the County Archaeologist has asked that as the development site is of potential archaeological interest due to its greenfield nature, conditions be imposed to require the undertaking of a programme of archaeological fieldwork. It is recommended that in the event Members are minded to approve the application, the conditions requested by the County Archaeologist are imposed in order to ensure any remains at the site are properly investigated and recorded prior to it being developed, in accordance with the requirements of the aforementioned relevant local and national planning policies.

Section 106 contributions

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 - planning obligations, which are usually secured via legal agreements under Section 106 of the Town and Country Planning Act 1990 (as amended), should only be used where it is not possible to use 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;

With the abovementioned policy framework in mind, and having had regard to the consultation responses received from consultees within the Council, it is considered that the proposed development gives rise to implications in respect of play space, education provision, ecology and affordable housing which are most appropriately resolved via securing contributions through a section 106 agreement.

Paragraph 73 of the NPPF and policy H21 of the UDP underline the importance of affording high-quality recreational and open space provision in association with new developments. In cases where a development involves the erection of more than 10 no. dwellings, it is the Council's usual practice to secure a contribution to the provision of children's play equipment, either as part of the development or at an off-site location.

The proposed development does not include any on-site play provision and as such, the Council's Sport and Leisure team indicated that a financial contribution of £23,133 (i.e. £701 x number of dwellings proposed) should be sought via a s106 agreement. In this instance, the contribution would be utilised towards the provision of new play facilities or the improvement of existing facilities (where appropriate) in the Houghton Ward, with funds being utilised to support on-going maintenance of play parks.

In addition to the above, paragraph 72 of the NPPF states that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local Planning Authorities should take a proactive, positive and collaborative approach to meeting this requirement and should give great weight to the need to create, expand or alter schools and work with schools promoters to identify and resolve key planning issues before applications are submitted.

Furthermore, policy R3 of the UDP states that where the effects of a development would require additional off-site infrastructure or community facilities or where certain important features of the site are affected which cannot be controlled by planning conditions, the developer will normally be expected to enter into a planning obligation with the Council to enable suitable provision to be made. £26,400 is required for ecological protection and improvement measures to the Moorsley-Hazard-Rainton Wildlife and Green Infrastructure Corridors and, in part, Robin House and Moorsley Marsh Local Wildlife Site. The contribution will assist in addressing increased negative impacts on biodiversity from people and domestic animals, and improve woodland and wetland habitats and green infrastructure associated with the new development site.

To this end, the Council's Education and Lifelong Learning team has advised that a financial contribution towards school places in the locality should be requested and secured as part of a S106 agreement. A contribution of £128,280.24 has been calculated, based on the number of bedrooms being provided within the development.

Finally, in line with the objectives of paragraph 50 of the NPPF and policy H16 of the UDP, the City Council will normally seek to secure the provision of affordable housing as part of new residential development involving 15 or more units. The usual requirement, as recommended by the Council's most recent Strategic Housing Market Assessment, is for 10% of units within a new development to be affordable, at a split of 80% social/affordable rent - 20% intermediate tenure. In this case, however, and for the reasons set out in the 'Representations' section of this report, the Council's Housing team has accepted an offsite provision of £181,802.00.

The applicant has agreed to the contributions requested in relation to off-site play space education and affordable housing..

To summarise, a draft Section 106 agreement will be drawn up by the Council's Solicitor which is designed to secure:

Education - £128,280.24.- The money shall be spent in a 2 mile radius of the site.

50 % of the contribution shall be paid on commencement of the development and 50% on the completion of 15 dwelling . The money shall be spent in full within 5 years of the completion of the development.

Play/recreation - £23,133 - The proposed contributions is for the provision of new play facilities or the improvement of existing play facilities where appropriate within Hetton Ward with funds being utilised to support ongoing maintenance of the play park.

The contribution shall be 50% on commencement of development and 50% on the completion of the 15thdwelling unit.

Ecology - £26,400 ecological protection and improvement measures to the Moorsley-Hazard-Rainton Wildlife and Green Infrastructure Corridors and, in part, Robin House and Moorsley Marsh Local Wildlife Site. The contribution will assist in addressing increased

negative impacts on biodiversity from people and domestic animals, and improve woodland and wetland habitats and green infrastructure associated with the new development site. The contribution shall be paid on commencement of the development and money shall be spent within 5 years completion of the site.

Affordable Housing - £181,802.00 (Offsite provision for equivalent of 3 units)

An offsite contribution shall be paid 50% on commencement of the site and 50% on the completion of the 15th dwelling.

The money shall be spent within 5 years of the completion of the site.

The terms of the agreement have been agreed by the applicant and it is consequently anticipated that the Section 106 agreement will be completed and sealed in the near future, although this will occur after the meeting of the Sub-Committee on the 9th January 2018..

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.

Conclusion

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. Whilst the development relates to a greenfield site which is identified as a settlement break by the Council's adopted UDP, the proposed housing scheme must be considered in the context of the Council being currently unable to demonstrate a five-year supply of housing land and the contribution the approval of residential development on this site would make to housing land supply (particularly as the site is identified in the Council's most up-to-date SHLAA). To this end, paragraph 49 of the NPPF makes it clear that in such circumstances, applications for housing development should be considered in the context of the NPPF's presumption in favour of sustainable development and unless clear conflict with other policies of the NPPF and up-to-date, relevant policies of a Local Authority's Development Plan can be identified, such applications should be approved.

In this regard, 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, archaeology, on-site ecology/biodiversity impacts and affordable housing and in respect of these matters, is 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.

The financial contributions being sought by the Council via an agreement under section 106 of the Town and Country Planning Act 1990 (as amended), have been agreed with the applicant in respect of the impact of the development on education provision in the area, off-site ecology and biodiversity and off-site play provision.

Therefore, the proposed development is considered to comply with both National and Local planning policies.

RECOMMENDATION: Members are recommended to delegate to the Director of Economy and Place for approval subject to the draft conditions listed below and the satisfactory completion of the Section 106 agreements.

Conditions:

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

- 2 Unless otherwise first agreed in writing with the Local Planning Authority, the development hereby granted permission shall be carried out in full accordance with the following approved plans:

Plan Nos, dates received and drawing title to be confirmed on late sheet

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 Materials

Development above ground level shall not progress until details of the materials to be used in the construction of the external surfaces of the dwellings have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details for that phase.

REASON: In the interests of ensuring public and private amenity and to comply with policy B2 of the adopted Unitary Development Plan.

- 4 The development shall be carried out in complete accordance with the revised information submitted December 2017.

Thereafter the development shall be built in accordance with the agreed details unless otherwise first agreed in writing by the Local Planning Authority. To prevent the increased risk of flooding from any sources in accordance with the National Planning Policy Framework paragraph 103 and policy EN12 of the saved adopted Unitary Development Plan.

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

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

- 6 The building(s) of each phase shall not be occupied/brought into use until the final report of the results of the archaeological fieldwork for that phase undertaken in pursuance of Condition 5 has been submitted to and approved in writing by the Local Planning Authority.

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

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

REASON: The site is located within an area identified in the Unitary Development Plan as being of potential archaeological interest and the publication of the results will enhance understanding of and will allow public access to the work undertaken in accordance with paragraph 141 of the NPPF.

- 8 Prior to commencement of development a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. This should include operational hours, construction traffic access; construction related parking arrangements, wheel wash or road sweeping measures, material storage and cabin/compound location details. The development shall be carried out in accordance with the approved details for the development.

REASON: In order to comply with policies B2 and T14 of the Unitary Development Plan.

- 9 Construction work or deliveries associated with the proposals shall only take place between the hours of 07:00 to 19:00 hours Monday to Friday and 07:30 to 14:00 Saturday, with no activity Sundays or Bank Holidays without any prior approval from the Local Planning Authority.
- 10 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence on Phase 1 or Phase 2 until conditions number 11 to number 13 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition number 14 has been complied with in relation to that contamination. To ensure that risks from land contamination to future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the Unitary Development Plan.
- 11 Site Characterisation - Unless otherwise agreed in writing by the Local Planning Authority development must not commence until an investigation and risk assessment for Phase 1 and Phase, in addition to any assessment provided with the planning application, has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site (site characterisation), whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include: (i) a survey of the extent, scale and nature of contamination; (ii) an assessment of the potential risks to: human health property (existing or proposed)

including building, crops, livestock, pets, woodland and service line pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments. (iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11.' To ensure that risks from land contamination to future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the Unitary Development Plan

- 12 (Submission of Remediation Scheme) Unless otherwise agreed by the Local Planning Authority, development must not commence until a detailed remediation scheme for Phase 1 and Phase 2 to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environment Protection Act 1990 in relation to the intended use of the land after remediation. To ensure that the risks from land contaminated to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the adopted Unitary Development Plan.
- 13 Implementation Remediation Scheme The remediation scheme approved under Condition number 12 (Submission of Remediation Scheme) for Phase 1 and Phase 2 must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimise, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the Unitary Development Plan
- 14 Unexpected Contamination In the event that contamination is found at any time on Phase 1 or Phase 2 when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition number 11 (Site Characterisation), and when remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition number 12 (Submission of Remediation Scheme), which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared which

is subject to the approval in writing of the Local Planning Authority in accordance with condition number 13 (Implementation of Approved Remediation Scheme). If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until this condition has been complied with in relation to that contamination. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks and in accordance with policy EN14 of the Unitary Development Plan.

- 15 The development hereby permitted shall not be commenced until such time as a suitable surface water drainage scheme has been submitted and approved in writing by the Local Planning Authority.

The scheme shall be fully implemented and subsequently maintained In accordance with the timing /phasing arrangements embodied within the scheme, or within any other period as may be subsequently be agreed, in writing, by the Local Planning Authority.

Reason - To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

- 16 The biodiversity enhancement and mitigation measures set out in the report received 1st Sept 2016 shall be fully implemented in accordance with the measures set out in that report, in the interest of biodiversity enhancement and the protection of ecological interests and to comply with the requirements of policy CN23 of the adopted Unitary Development Plan.

- 17 A detailed plan showing hedgerows to be retained and newly created hedgerows shall be submitted in accordance with the mitigation proposed in the ecology report received 1st September 2016 it should also detail how the hedgerows will be maintained and by who.

In respect of the newly created wildlife habitat, a maintenance plan detailing who will manage the newly created habitats and the period which the management will take place. Specification for the bird bricks need to be provided as well as a plan showing where the bricks will be located along with clarification on the specification for the house sparrow boxes, number and location. A detailed lighting plan should be provided to help meet the mitigation requirements identified within the above report. A plan shall be submitted and agreed detailing all tree planting reference in the report indicating size and location of trees for the 'proposed location of compensatory habitat to include wildflower grassland and native species hedgerow. In order to comply with policy CN18 and CN22 of the adopted Unitary Development Plan.

- 18 No dwellings shall be occupied until details of hard and soft landscape works and their implementation have been submitted to and approved in writing by the LPA. The submitted details shall include planting plans, specifications and schedules.

The approved landscape works shall be completed no later than the end of the first planting season following first occupation of the development or in accordance with a programme agreed in writing with the Local Planning Authority. The approved landscape works shall be maintained in accordance with the current version of British Standard 4428 for a period of five years commencing on the date of Practical Completion and during this period any trees or plants which die or become diseased shall be replaced in the first available planting season with others of similar size and species and any grass that fails to establish shall be re-established.

REASON: In the interest of amenity and ensuring a satisfactory form of development and to comply with policies B2, CN18 and CN22 of the adopted Unitary Development Plan.

- 19 The proposed development shall be carried out in complete compliance with mitigation measures proposed in the noise assessment

The results of the assessment identifies that noise mitigation will be required for the new homes in order that acceptable noise levels are achieved both inside and in the outdoor areas.

Section 6 of the submitted report details the measures required to achieve this and include:-

- 1) An acoustic fence 1.m high for plot 30.
- 2) Acoustic ventilation for plots facing directly onto Quarry House Lane and Hazard Lane for habitable rooms as identified in Figure 4 of the submitted report.

In order to comply with policy EN5 of the adopted unitary development plan in order to provide a satisfactory form of development.

- 20 Prior to the commencement of any development the following information shall be submitted for approval in conjunction with the Coal Authority.

- * The submission of remedial strategy to mitigate the risk posed by the recorded mine entry, for approval; and
- * The implementation of the approved remedial strategy.

The Coal Authority considers that the content and conclusions of the Supplementary Ground Investigation Report are broadly sufficient for the purposes of the planning system and meet the requirements of the NPPF in demonstrating that the application site is, or can be made, safe and stable for the proposed development.

In order to achieve a safe form of development and comply with policy EN14 of the adopted Unitary Development Plan.

- 21 No development shall commence until a written detailed Gas Risk Assessment is submitted to and approved in writing by the Local Planning Authority. The Gas Risk Assessment shall then be carried out in strict accordance with the approved details in the interest of achieving a satisfactory form of development on site and to comply with the requirements of Policies B2 and EN5 of the adopted Unitary Development Plan.

In order to achieve a safe and satisfactory form of development comply with policies EN1 and EN14 of the adopted Unitary Development.

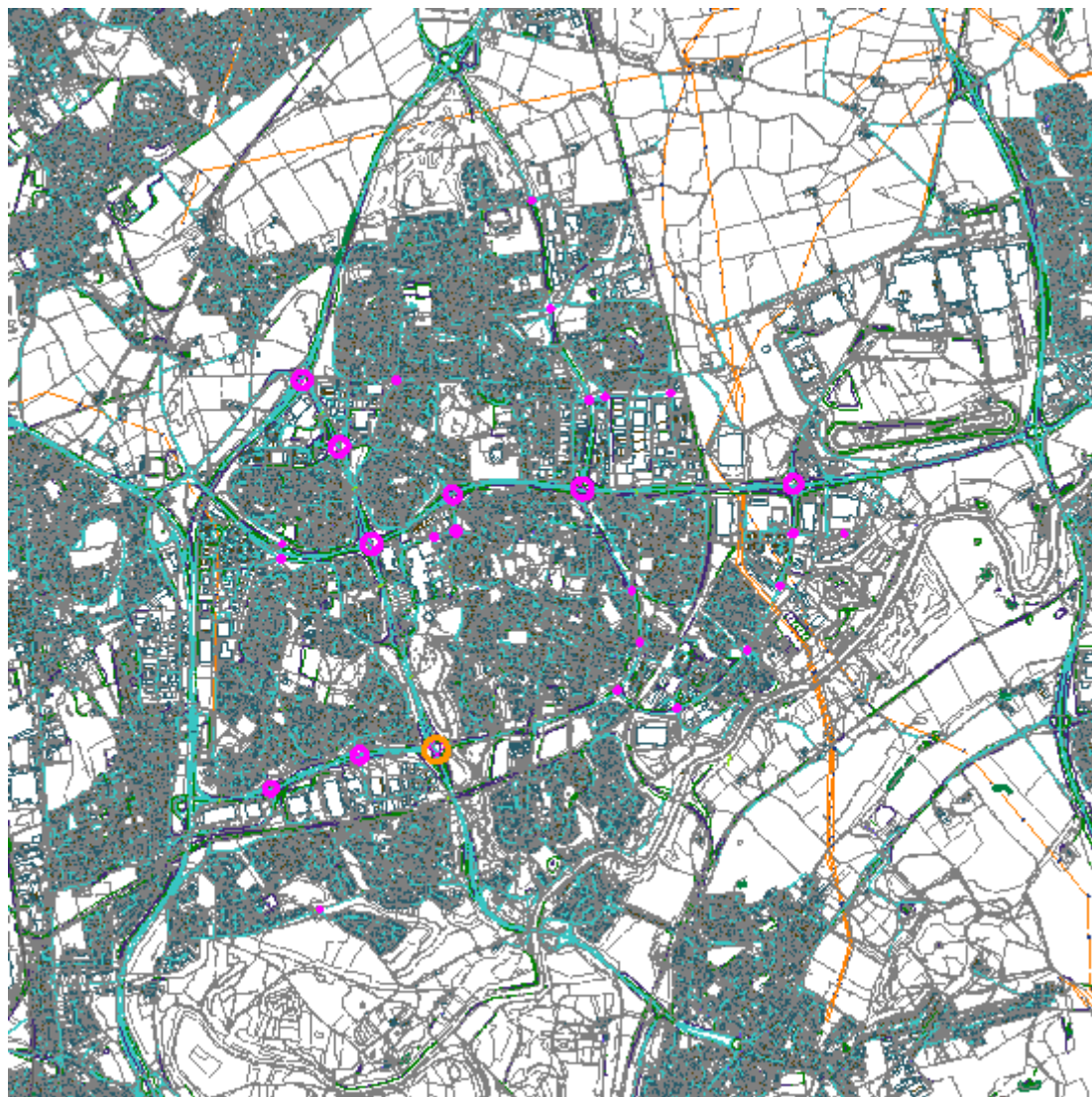
Reference No.: 17/00785/ADV Advert Application

Proposal: **Display of non-illuminated freestanding signs to roundabouts as per submitted schedule.**

Location: Various Roundabouts Washington Area

Ward: Washington South
Applicant: Community Partners Ltd
Date Valid: 10 May 2017
Target Date: 5 July 2017

Location Plan



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PROPOSAL:

INTRODUCTION

The application sites relate to 24 roundabouts located within the Washington area. The majority of roundabouts lie on major 'A' roads such as the A182, A195, A1231 and A1290, along with other major intersections.

PROPOSAL

Advertisement Consent is sought to erect a number of non-illuminated advertising boards measuring 1200mm in width by 500mm in height. The boards would be erected on two 50mm diameter posts which would extend 450mm from ground level to the base of the signage board. The content of the signs will vary depending on the nature of the advertiser but the drawings illustrate the Sunderland City Council's logo will be positioned along the bottom of the board in each case. The number of signs on each roundabout varies from between two to six in each case.

The application is accompanied by a typical elevation drawing and individual location plans of the roundabouts in question with each plan identifying the number and position of the proposed signs.

Following the validation of the application it became apparent that a significant number of the advertising boards could not be physically displayed in the positions that had been identified on the location plans. The applicant was therefore advised to re-survey the roundabouts to address this matter. The revised plans submitted on 5th December 2017 identify indicate that the number of roundabouts originally proposed has been reduced from 30 to 24.

Further applications have also been submitted for South and North Sunderland and Hetton/Houghton-le-Spring. At the time of writing this report one application has been granted consent and two applications are pending consideration.

CONSULTEES:

Washington Central - Ward Councillor Consultation
Washington East - Ward Councillor Consultation
Washington North - Ward Councillor Consultation
Washington South - Ward Councillor Consultation
Washington West - Ward Councillor Consultation

Final Date for Receipt of Representations: **02.06.2017**

REPRESENTATIONS:

Consultee responses -

Highways - The Council's Network Management section has offered no objection to the installations in principle. As outlined above the initial comments picked up on the fact that many of the signs could not be displayed in the positions that were identified within the original plans. (This was primarily down to the fact that they conflicted with existing chevrons or other physical structures).

It has been recommended that arrangements for installation and maintenance of the sign boards/adverts be submitted to the Councils Network Operations Team prior to installation/commencement along with details of any necessary traffic management that will be required.

POLICIES:

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

B_21_Advertisement & Control

COMMENTS:

PLANNING CONSIDERATIONS AND ASSESSMENT

Policy B21 of the City Council's adopted UDP is applicable to the proposal and this states that applications for advertisement consent will be determined on the basis of their impact on amenity and public safety. This policy is considered to be consistent with paragraph 67 of the National Planning Policy Framework (NPPF), which states that 'poorly placed advertisements can have a negative impact on the appearance of the built and natural environment...advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority's detailed assessment'. It also states that advertisements should only be subject to local authority control in the interests of amenity and public safety, taking account of cumulative impacts'.

With regard to the above the main considerations are the impact of the signage on amenity and highway safety.

Amenity

During officer site visits it was noted that a small proportion of the roundabouts already had existing Council signs in situ. The applicant has however confirmed that there is an agreement with Sunderland City Council to remove these particular signs prior to the installation of the proposed signage in order to avoid unnecessary clutter. In addition, and as a result of the re-survey work, some of the proposed signs have been deleted most notably from several roundabouts along Northumberland Way, parkway and at Crowther Road and Glover Road due to conflict with existing chevrons.

In assessing the merits of scheme it is noted that the proposed signs will follow a standardised formula in terms of their design and construction thereby offering a co-ordinated appearance within the context of each roundabout. The scale and massing of the boards are not considered to be unduly large and will be proportionate to existing signs currently being displayed on roundabouts in neighbouring Local Authority areas.

A large number of the signs would be viewed in tandem with existing street signs such as chevrons whilst landscaping also provides a backdrop to the signs on some of the roundabouts. Overall, it is not considered that the proposed installations would appear particularly conspicuous within their respective settings. In this respect the cumulative effect of the advertisements upon the character and appearance of each roundabout is considered to be acceptable.

Highway safety

Following the re-survey, the City Council's Network Management has confirmed their agreement to the individual locations of each signage board and no objections have been offered. On this basis there are considered to be no grounds to suggest that the installations would be of detriment to highway and public safety.

CONCLUSION

In light of the above, it is considered that the proposed siting and design of the signage is appropriate without appearing appear unduly prominent within the context of their setting. The impact of the scheme on the visual amenity of the respective localities is therefore considered to be acceptable in this instance.

In respect of highway/public safety, the City Councils Network Management Section has offered no objections to the siting of the structures.

Consequently the proposals are considered to accord with local and national policy and Members are recommended to grant advertisement consent for the scheme subject to the following conditions outlined below.

Equality Act 2010 - 149 Public Sector Equality Duty

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

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

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

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

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

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

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

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

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

RECOMMENDATION: Grant advertisement consent

Conditions:

- 1 No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
- 2 No advertisement shall be sited or displayed so as to:-
 - a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (Civil or Military)
 - b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
 - c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
- 3 Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
- 4 Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
- 5 Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair the visual amenity.
- 6 The consent hereby granted shall be for a period of five years from the date hereof in the interests of visual amenity and to comply with policy B21 of the UDP.

Reference No.: 17/01842/FUL Full Application

Proposal: Change of use from domestic use to commercial with replacement boundary wall and gates. (Retrospective).

Location: 29 - 35 Rose Avenue Fence Houses Houghton-le-Spring DH4 6JB

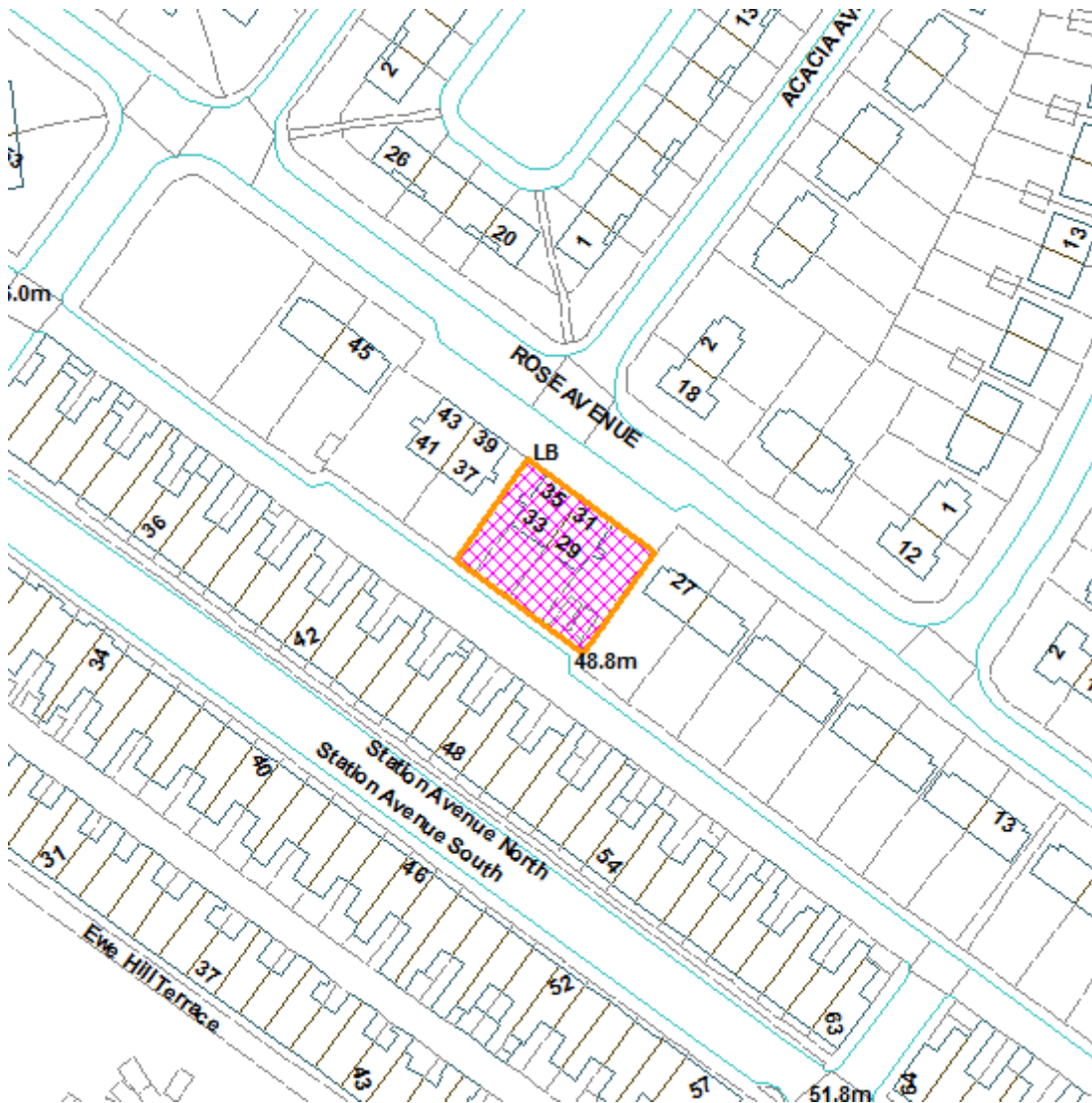
Ward: Houghton

Applicant: Mr R Balaggan

Date Valid: 26 September 2017

Target Date: 21 November 2017

Location Plan



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PROPOSAL:

Site Description

The site consists of a two storey detached property with the ground floor element used as a family run general dealer and the first floor area used as residential accommodation. The site has amenity space to the sides and the rear and fronts onto an open forecourt adjacent to which is a lay-by that can accommodate several cars. The rear yard is enclosed by a high boundary wall with double vehicular gates providing access onto the rear lane between Rose Avenue and Station Avenue North. The property is situated in a street of mainly semi-detached two storey houses within a predominantly residential area.

Proposal

The proposal relates to a retrospective change of use of the side outdoor space from domestic garden to commercial use with the erection of replacement boundary wall and gates. The application arises as a result of the expiry of granting of a temporary permission granted in 2009 (ref 09/2027/REN) which in turn was an application for the continuation of a temporary consent granted in 2008 (ref 08/00712/FUL) for a similar development.

The 2008 consent, which was granted for a limited period of one year, was retrospective and was subject to a condition requiring the submission and approval of a Delivery Management Plan to address arrangements for deliveries and loading/unloading at the site. The contents of such a plan were required to indicate measures to be employed by the applicant to direct deliveries by HGV to the loading / unloading area to the front of the premises; the restriction of use of the rear access to cars, light vans, transit type vehicles; signage warning of no loading of goods for the application premises from the rear lane; and a timetable for their introduction.

The 2009 application sought to renew this permission on a permanent basis, but was granted consent for a further limited period of 6 months in order to fully assess the impact of the discharged condition relating to the delivery management plan, which had only been in operation for a period of four months at the time of the application. The development has continued since this time without any further renewal of the consent. The current application again seeks a permanent permission.

This type of proposal would normally be determined under the powers delegated to the Chief Executive, however, the application has been referred for determination by the Development Control Sub-Committee at the request of a Councillor.

TYPE OF PUBLICITY:

Neighbour Notifications

CONSULTEES:

Houghton - Ward Councillor Consultation
Network Management

Final Date for Receipt of Representations: **18.10.2017**

REPRESENTATIONS:

Publicity

Seven letters of objection have been received. The objectors' main concerns relate to;

- The rear lane is already congested with parked vehicles and delivery vehicles using the lane will exacerbate the problem,
- Parked vehicles are more likely to be damaged by increased traffic in the lane,
- Increased use of the rear lane would be a hazard to pedestrians,
- Delivery vehicles will cause disturbance to nearby residents by reason of noise and pollution,
- Use of the rear entrance by the applicant causes inconvenience to nearby residents,
- The boundary wall and gates are detrimental to the visual amenities of the street,
- It would be more appropriate for delivery vehicles to use the front entrance,
- The development will lead to a decrease in value of nearby residential properties,

The latter point is not a planning matter and cannot be addressed within the context of the planning application. The other concerns raised will be addressed in the main body of the report.

Network Management

The Network Management team has no objections to the development and has commented that the yard area would be available for in-curtilage parking and the lay-by could be used for customer parking and delivery vehicles.

POLICIES:

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

EN_10_Proposals for unallocated sites to be compatible with the neighbourhood

B_2_Scale, massing layout and setting of new developments

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

T_22_Parking standards in new developments

COMMENTS:

In assessing the proposal the main issues to consider are;

- the principle of the development,
- the visual amenities of the rear lane,
- highway safety,
- impact of the development upon the residential amenities of the neighbouring properties,

Principle of Development

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

The premises have operated for many years as a mixed use having both retail and residential elements, providing local shopping facilities for the predominantly residential area. Given that the use has been found to be acceptable in principle in both previous applications, the use of the yard area for commercial purposes associated with the shop is considered to be compatible with the

remaining mixed use site and the existing pattern of land use in the area in accordance with policy EN10 of the UDP.

Visual Amenity

Policy B2 of the Unitary Development Plan (UDP) requires the scale, massing, layout or setting of new developments and extensions to existing buildings to respect and enhance the best qualities of nearby properties and the locality and retain acceptable levels of privacy.

The boundary wall is finished with what appears to be a light grey coloured render, and of a similar height to other boundary enclosures within the rear lane. The gates are coloured black and have a metal height restriction bar above. When viewed in the context of the rear lane setting, amongst other various brick walls and fences, the enclosure is not considered to be out of keeping with the area and has been found to be acceptable in the previous applications.

Condition 4 of the 2009 consent stated;

4 The boundary enclosure hereby approved shall be painted a colour to be agreed in writing by the Local Planning Authority, and maintained and retained as such for the life time of the development, in the interest of visual amenity and to comply with policy B2 of the Unitary Development Plan.

This condition was discharged on 19 October 2019 with the agreement that the wall be coloured magnolia. It is considered that the boundary enclosure is acceptable in design and generally complies with the requirements of Policy B2 of the adopted UDP, but given that the wall is showing signs of wear and tear and that the colour has not been maintained as required, it is recommended that, if members are minded to grant consent, the permission is subject to a similar condition.

Highway Safety

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.

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

The 2008 consent required a delivery management plan to include measures to be employed by the applicant to direct deliveries by HGV to the loading/unloading area to the front of the premises; the restriction of use of the rear access to cars, light vans, transit type vehicles; signage warning of no loading/unloading of goods for the application premises from the rear lane; and a timetable for their introduction. This delivery management plan was formally discharged on 11th March 2009.

The 2009 consent was subject to the following conditions;

2 Notwithstanding the submitted plans the development hereby approved shall be carried out in full accordance with the Delivery Management Plan received 10.11.2008 and fully discharged dated 11.03.2009 in order to safeguard the level of amenity currently afforded the neighbouring residential properties and in the interests of highway safety and to comply with policies B2, T14 and T22 of the approved Unitary Development Plan

5 Notwithstanding the submitted details an additional sign shall be erected either side of the rear gate reading "All HGV deliveries to be made to the front of the property only. Thank You." The signs shall be erected within one month of the date of this notice and shall be retained in position thereafter, in the interests of residential amenity and highway safety and to comply with policies B2 and T14 of the adopted UDP.

The physical measures required, such as signage, have been put in place and remain in situ. The procedures agreed to ensure that deliveries by HGV are made to the front of the premises appear to continue to be in operation. No complaints had been received by the Development Management team in this regard over the years until a recent incident which it is understood arose from the delivery arrangements not being adequately communicated to a new supplier, which has prompted the submission of the current application. The comments made within the representations received imply that the applicant accesses the rear yard with his own vehicles whilst large delivery vehicles use the front street; the comments relate to the fear that the rear lane will begin to be used by HGVs.

Given the above, it is considered that the applicant has demonstrated that the development can be implemented in a manner that would not be prejudicial to highway safety contrary to policies T14 and T22, provided that the existing measures continue to be implemented. If Members are minded to grant consent, it is recommended that an approval is subject to similar conditions requiring continued compliance with the delivery management plan and the display of the relevant signage.

Residential Amenity

The objectors have expressed concerns regarding increased noise and disturbance from delivery vehicles using the rear lane. Given the above, activity within the rear lane should not be intensified as a result of the development. The proposal is therefore considered to be unlikely to adversely affect the amenities of nearby residential properties, in compliance with policy B2 of the UDP.

Conclusion

The use of the side yard for commercial purposes has been established as acceptable in principle through the granting of the previous approvals. Safeguards were put in place to restrict deliveries from the rear lane by heavy goods vehicles whilst allowing access by the applicant's own vehicles and the business appears to be operating in accordance with the previously agreed measures apart from the recent breach which has now been resolved.

It is therefore recommended that, subject to appropriate conditions requiring continued compliance with the agreed delivery management plan, the continued display of warning signage, and the treatment of the boundary wall, the development is acceptable and in accordance with policies EN10. B2 T14 and T22 as detailed above.

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

Conditions:

- 1 The development to which this permission relates must be begun not later than three years beginning with the date on which permission is granted, as required by section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 to ensure that the development is carried out within a reasonable period of time.
- 2 Unless otherwise first agreed in writing with the Local Planning Authority, the development hereby granted permission shall be carried out in full accordance with the following approved plans:
 - location plan received 14/9/17,

- site layout plan as previous and proposed, drawing number AD-09-35 sheet 2 received 14/9/17,
- floorplans and elevations as previous and proposed, signage and barrier details, drawing number AD-09-35 sheet 1 received 14/9/17,

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

- 3 Notwithstanding the submitted plans the development hereby approved shall be carried out in full accordance with the Delivery Management Plan received 10.11.2008 and fully discharged dated 11.03.2009 in order to safeguard the level of amenity currently afforded the neighbouring residential properties and in the interests of highway safety and to comply with policies B2, T14 and T22 of the approved Unitary Development Plan
- 4 No materials or equipment shall be stored on site outside of the shop unit in the interests of visual amenity and to ensure no intensification of use of the premises occurs with policies B2 and T14 of the Unitary Development Plan.
- 5 Within three months of the date of this decision, the boundary enclosure hereby approved shall be painted a colour to be agreed in writing by the Local Planning Authority, and maintained and retained as such for the life time of the development, in the interest of visual amenity and to comply with policy B2 of the Unitary Development Plan.
- 6 Notwithstanding the submitted details the signs erected either side of the rear gate reading "All HGV deliveries to be made to the front of the property only. Thank You." shall continue to be displayed and shall be retained in position thereafter, in the interests of residential amenity and highway safety and to comply with policies B2 and T14 of the adopted UDP.

ITEMS FOR INFORMATION

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

| Application Ref and Ward | Applicant and Address | Proposal | Date Valid | Determination Date |
|--------------------------|--|---|------------|--------------------|
| 17/01444/SUB | Holyhead Homes | Demolition of vacant care home and erection of 23no. dwellings with associated works (AMENDED PLANS RECEIVED 30.11.2017) | 25/07/2017 | 24/10/2017 |
| Copt Hill | Adey Gardens Care Home South Street Newbottle Houghton-le-Spring DH4 4EH | | | |
| 17/00806/REM | Persimmon Homes (Durham) | Reserved matters application following grant of outline planning permission (11/02362/OUT) for the erection of 300no. dwellings | 20/04/2017 | 20/07/2017 |
| Hetton | Land At North Road Hetton-le-Hole Houghton-le-Spring | | | |

| Application Ref and Ward | Applicant and Address | Proposal | Date Valid | Determination Date |
|--------------------------|--|---|------------|--------------------|
| 14/01371/OUT | Mr Colin Ford | Outline application for erection of 82 dwellings (all matters reserved). | 17/11/2014 | 16/02/2015 |
| Hetton | Coal Bank FarmHetton-le-HoleHoughton-le-SpringDH5 0DX | (Reconsultation following approval of planning application 12/01125/OUT) | | |
| 17/02296/FUL | Karbon Homes | Erection of 19no. bungalows with associated car parking and landscaping | 04/12/2017 | 05/03/2018 |
| Houghton | Former Kentmere HouseBlind LaneSedgelethHoughton-le-Spring | | | |
| 17/00589/FUL | Persimmon Homes Durham | Demolition of existing scrapyard and Cosyfoam industrial unit and erection of 271no residential dwellings with associated access, landscaping and infrastructure. | 21/03/2017 | 20/06/2017 |
| Houghton | Land AtLambton LaneHoughton-le-Spring | | | |

| Application Ref and Ward | Applicant and Address | Proposal | Date Valid | Determination Date |
|--------------------------|--|---|------------|--------------------|
| 17/01095/VAR | Mr David Armstrong | Variation of conditions 2 (no of pitches) and 3 (Hours of Operations) attached to planning application | 02/06/2017 | 01/09/2017 |
| Houghton | The Russell Foster Football CentreStaddon WayHoughton-le- SpringDH4 4WL | 13/02636/VAR. Condition 2 seeks to vary the condition from 6 pitches to 12 pitches. Condition 3 seeks to vary hours of operation. | | |
| 17/02012/FUL | Gleeson Regeneration Ltd. | Erection of 53no. dwellings with associated access and landscaping works | 09/11/2017 | 08/02/2018 |
| Houghton | Land At Redburn RoadChilton MoorHoughton-le- Spring | | | |

| Application Ref and Ward | Applicant and Address | Proposal | Date Valid | Determination Date |
|--------------------------|---|--|------------|--------------------|
| 17/01701/VAR | Gentoo Homes | Variation of Condition 2 (Plans) attached to planning application 14/02833/FUL (78 dwellings with associated garages and landscaping, construction of new estate roads and site access from Coaley Lane and demolition of 2 existing dwellings, and associated stopping up of highway (Amended Plans Received 10/08/15) to include PV panels to roof and site plan showing retaining wall structures and boundary details. | 30/10/2017 | 29/01/2018 |
| Houghton | Land At Former Homelands Estate - Incorporating Chestnut Crescent, Coronation Crescent And Part Of Beechwood Terrace. | | | |
| 17/01610/FU4 | Mr Christie | Demolition of existing garage and construction of 14 no. dwellings with associated access and landscaping. (Amended Description 28.11.2017). | 24/08/2017 | 23/11/2017 |
| Shiney Row | New Penshaw Garage/Formal Millco PremisesRailway TerraceCoxgreen RoadPenshawHoughton-le-Spring | | | |

| Application Ref and Ward | Applicant and Address | Proposal | Date Valid | Determination Date |
|--------------------------|--|--|------------|--------------------|
| 17/00866/LP3 | Sunderland City Council | Erection of 5no two bedroomed bungalows with associated parking and landscaping (Amended Plans received 21.09.2017). | 21/09/2017 | 16/11/2017 |
| Shiney Row | Land Between Chester Road And Stanley TerraceHoughton-le-Spring | | | |
| 17/01631/FU4 | NORR Consultants | Erection of 18no. dwellings, conversion of Penshaw House into a residential dwelling and associated works. | 26/09/2017 | 26/12/2017 |
| Shiney Row | Land At Penshaw HousePenshaw StablesPenshawHoughton-le-SpringDH4 7LB | | | |
| 17/01930/LB4 | NORR Consultants | Conversion of Penshaw House into a residential dwelling and refurbishment of existing garden wall with associated works. | 26/09/2017 | 21/11/2017 |
| Shiney Row | Land At Penshaw HousePenshaw StablesPenshawHoughton-le-SpringDH4 7LB | | | |

| Application Ref and Ward | Applicant and Address | Proposal | Date Valid | Determination Date |
|--------------------------|--|--|------------|--------------------|
| 17/00865/LP3 | Sunderland City Council | Erection of 6no two bedroomed bungalows with associated parking and landscaping. | 13/06/2017 | 08/08/2017 |
| Washington Central | Land West Of Former Washington Old School Albert Place Columbia Washington | | | |
| 17/01781/FUL | Peel Land And Property Investments PLC | Partial redevelopment and refurbishment of the existing Peel Centre Phase 1 to provide three refurbished / reconfigured units (comprising a food retail unit, a non food unit and a 130 sqm unit for use as a coffee/sandwich shop, restaurant or bakery (Class A1/A3/A5), new cladding, canopies, signage, glazing and store entrances; demolition of units 4A & 4B and erection of a new discount foodstore; renewal and reconfiguration of the car park, new landscaping (overall 424 sq. m increase in | 15/09/2017 | 15/12/2017 |
| Washington North | The Peel Centre Glover Washington | | | |

| Application Ref and Ward | Applicant and Address | Proposal | Date Valid | Determination Date |
|--------------------------|---|---|------------|--------------------|
| 17/02425/LP3 | Sunderland City Council | Demolition of existing changing pavilion. Engineering works to re-grade site and install drainage to facilitate the provision of 4no artificial pitches (3no football and 1no dual football/rugby) with associated fencing, floodlighting and improvements to remaining existing natural grass pitches; erection of new pavilion building to include changing facilities, club room and bar, kitchenette and education space; alterations to existing access and associated works and provision of associated car and cycle parking, signage, landscaping and boundary fence. Provision of bridleway and barrier treatment and provision of | 19/12/2017 | 20/03/2018 |
| Washington North | Northern Area Playing FieldsStephenson RoadStephensonWashington | | | |

| Application Ref and Ward | Applicant and Address | Proposal | Date Valid | Determination Date |
|--------------------------|--|---|------------|--------------------|
| 17/02085/MW4 | Rolton Kilbride Limited | Construction and operation of a Renewable Energy Centre for the recovery of energy from non-hazardous residual waste using an Advanced Conversion Technology (gasification) with associated works including, but not limited to, the provision of plant, infrastructure and a new vehicular access from Infiniti Drive and the installation of an underground electrical connection | 24/10/2017 | 13/02/2018 |
| Washington North | Land At Hillthorn Farm Washington NE37 3HZ | | | |
| 09/02091/FUL | Peel Investments (UK) LTD | Demolition of Unit 2 (Allied Carpets) and erection of new retail unit attached to existing Unit 1 (Homebase) | 03/06/2009 | 02/09/2009 |
| Washington North | Allied Carpets Unit 2 The Peel Centre District 10 Peel Retail Park Washington NE37 2PA | | | |

| Application Ref and Ward | Applicant and Address | Proposal | Date Valid | Determination Date |
|--------------------------|--|--|------------|--------------------|
| 16/01581/MAW | Thompsons Of Prudhoe | The retention of the facility for the receipt, recycling, processing, storage and land filling of construction, demolition and excavation waste; storage of primary aggregate; production of concrete and associated ancillary activities at Springwell Quarry | 13/10/2016 | 12/01/2017 |
| Washington West | Springwell Quarry Springwell Road Springwell Gateshead | | | |

Appeal Decision

Site visit made on 11 December 2017

by Elaine Gray MA(Hons) MSc IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 21 December 2017

Appeal Ref: APP/J4525/D/17/3184741

14 Beckwith Close, The Potteries, Houghton-le-Spring, Tyne and Wear DH4 5JH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Paul Pye against the decision of Sunderland City Council.
 - The application Ref 17/01292/FUL, dated 1 July 2017, was refused by notice dated 18 August 2017.
 - The development proposed is two storey extension.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on the living conditions of neighbouring residents, with particular regard to overlooking and privacy, and the effect of the proposal on the character and appearance of the surrounding area.

Reasons

Living conditions

3. The appeal site is a two storey semi-detached dwelling located within a predominantly residential area. The proposal would create a two storey extension to the rear of the existing property.
4. The Council's document entitled 'Household Alterations and Extensions Supplementary Planning Document' (SPD) sets out guidelines for extensions to residential buildings. It states that windows should be positioned so that they do not directly overlook into the windows of neighbouring homes or gardens.
5. The rear elevation of the neighbouring property at 16 Beckwith Close looks directly onto the side elevation of No 14. The proposed development would introduce two new windows within the existing side elevation, which is currently blank. The smaller of the new windows would serve a bathroom, and would be obscure glazed in order to avoid harmful overlooking of No 16.
6. However, the larger proposed window would serve a new bedroom, which would overlook the rear elevation and garden of No 16 at close quarters. I note the appellant's willingness to install obscure glass in this new window. However, the SPD is clear that opaque and patterned glass should only be used in windows to non-habitable rooms, ie, landings, bathrooms and hallways.

7. As this would be the only window serving the new bedroom, the loss of outlook that would arise from the use of obscure glazing would cause an undue sense of enclosure and confinement to occupants whilst using the room, thus unacceptably harming their living conditions.
8. I accept that the spacing between the properties and their spatial relationship to each other would remain as existing. However, the use of obscure glazing would not be acceptable in this instance, and so I conclude that the resultant overlooking of No 16 from the proposed new bedroom window would unacceptably harm the privacy of those neighbouring occupants. The proposal would therefore conflict with Policy B2 of the City of Sunderland Unitary Development Plan (UDP), insofar as it seeks to ensure acceptable levels of privacy.

Character and appearance

9. The SDP gives general principles for the design of extensions. It states that these should be located to the rear of the dwelling, and should appear subservient to the original building. In this case, the roof of the proposed development would be set down from the ridge height of the existing dwelling, and to that extent it would achieve a degree of visual subservience. The proposed materials would also reflect those of the existing property.
10. However, the submitted drawings indicate that the proposed south-east elevation of the new extension would be finished with a parapet wall feature. This would sit above the eaves height of both the main building and the proposed extension. On my site visit, I observed that the roofs in the area are generally uniform and symmetrical in their appearance. By contrast, the proposed parapet would create an extension with an asymmetrical roofline which would be incongruous and at odds with the prevailing roof designs of the neighbouring buildings.
11. This feature would be visible from the road to the rear of the appeal property, and so I conclude that the proposal would unacceptably harm the character and appearance of the surrounding area. It would thus conflict with UDP Policy B2, insofar as it seeks to ensure that extensions should respect and enhance the best qualities of the nearby properties and the locality.
12. My attention has been drawn to an extension that has been approved at 21 Fairburn Drive. However, the details of that case, and the circumstances in which the proposal was found to be acceptable are not before me. I therefore cannot be certain that it represents a direct parallel to the case before me. I understand that the proposed extension would provide additional living space at the appeal property. However, I can afford little weight to this private benefit in planning terms.

Conclusion

13. For the reasons above, I conclude that the appeal should be dismissed.

Elaine Gray

INSPECTOR