

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

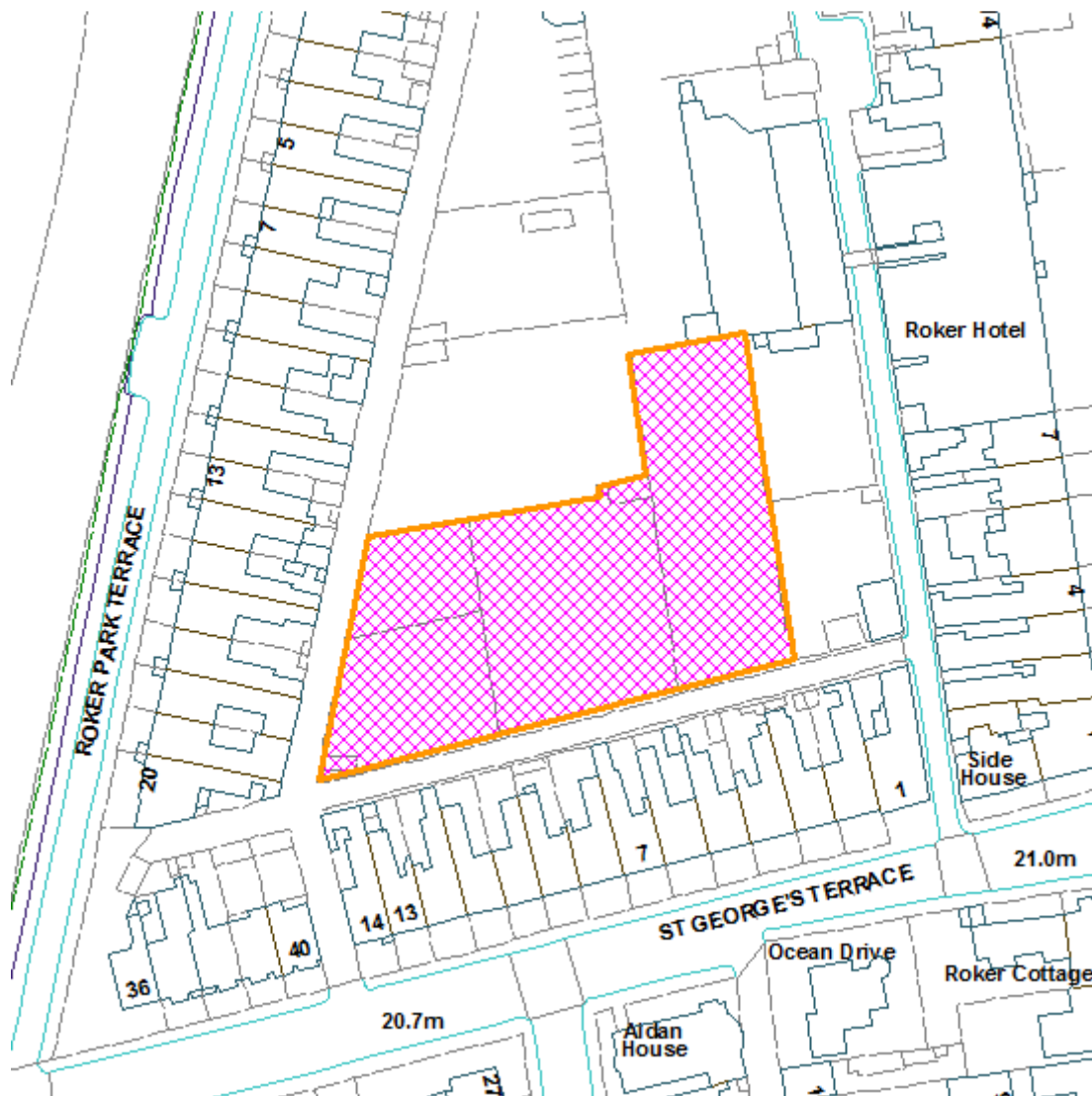
Reference No.: 17/00955/FUL Full Application

Proposal: Demolition of existing garage and construction of 3 no. 4 bedroom detached dwellings with associated access taken from the rear of Roker Park Terrace and landscaping.
(REVISED PLANS RECEIVED 06.09.17)

Location: Rear of Saint Georges Terrace/Roker Park Terrace Roker Sunderland

Ward: St Peters
Applicant: Mr Robert Scott
Date Valid: 14 June 2017
Target Date: 9 August 2017

Location Plan



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PROPOSAL:

Planning Permission is sought to erect 3 no. 4 bedroomed detached dwellings on land to the rear of St Georges Terrace / Roker Park Terrace, Sunderland. The proposals include the formation of a new access to be taken from the rear lane of Roker Park Terrace and associated works, including the widening of a section of the lane in order to accommodate a pedestrian footpath; construction of new boundary walls and associated landscaping and infrastructure. A number of trees have also been identified for removal, in order to facilitate the proposals. Members may recall a previous application for Outline Planning Permission for 13 no. dwellings on this backland area which was approved at the Development Control (North) Sub Committee on 09 June 2006. These proposals were in respect of a slightly larger site than at present and included 2 additional plots of land which were not within the ownership of the applicant. This scheme also included proposals for demolition of 14 St. George's Terrace in order to allow construction of a new road access to the backlands area required for a development of that scale. This consent has now lapsed and was not implemented due to the high costs associated with the necessary purchase of 14 St. George's Terrace and construction of the new access road into the development site, which rendered the project economically unviable. The proposal now being considered is for a smaller site on land entirely within the control of the applicant. This reduced scale of development does not require the large-scale infrastructure works or demolition of 14 St. George's Terrace that were previously necessary.

The site itself is located within the Roker Park Conservation Area. It forms the southernmost portion of an area of land which is bounded by the back lanes that serve St Georges Terrace, Roker Terrace, Ravine Terrace and Roker Park Terrace.

Originally, the site comprised of walled gardens for the surrounding terraced houses. Whilst some of the plot boundaries have been largely retained, few of the plots remain in the ownership of the adjacent housing. There is currently little evident active use of the land as gardens. Looking at the whole of this land to the rear, the uses that are evident at present range from car parking, garages, outbuildings and vacant land. Upon inspection, large parts of the land as a whole appear unused and untidy.

The application has been advertised accordingly, including neighbour notifications and the posting of a site and press notice. Whilst the application is categorised as a minor development, it has been referred before the committee at the request of the Chair of the Sub-Committee.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

St Peters - Ward Councillors Consultation
Network Management
English Heritage
St Peters - Ward Councillors Consultation
Network Management
Environmental Health
Northumbrian Water

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

REPRESENTATIONS:

Neighbours

At the time of writing a total of 13 residents have submitted comments with regards the proposals. Whilst three of the respondents do accept and the principle of redeveloping the land, a number of concerns are raised nonetheless, namely:-

- The proposal would lead to traffic problems (congestion and inappropriate parking) both during and after construction.
- The proposal would generate noise and vibration both during and after construction.
- The proposal will damage the existing highway both during and after construction.
- The proposed dwellings are out of character with the Conservation Area.
- The proposal does not accord with the Roker Park Conservation Area Management Strategy.
- The proposal is represents piecemeal development of the backlands area.
- The proposed dwellings are too tall.
- The proposed dwellings will block out light to the properties on St Georges Terrace.
- The proposed dwellings are too close to the existing properties on St Georges Terrace.
- The proposed dwellings will give rise to overlooking.
- The proposal would result in the loss of an unacceptable number of trees.
- The proposal hasn't fully considered the wildlife implications of redeveloping the land.

All of these concerns are given due consideration in the comments section below.

Consultees

Northumbrian Water has no issues to raise, provided the application is approved and carried out within strict accordance with the submitted Drainage Assessment.

Historic England advise that on the basis of the information available, they do not wish to offer any comments and suggest that the views of the Councils conservation officers should be sought.

POLICIES:

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

B_2_Scale, massing layout and setting of new developments

B_4_Development within conservation areas

B_6_Measures to preserve and enhance conservation areas

CN_19_Development affecting designated / proposed SAC's, SPAs and RAMSAR Sites

CN_23_Measures to conserve/ improve wildlife corridors

EC_9_Locations for Hotels and Conference centres.

L_12_Promotion of the recreational and tourist potential of the coast and riverside

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

T_22_Parking standards in new developments

COMMENTS:

In determining this application, the key issues to consider are:-

- Habitat Regulations Assessment (HRA)
- The principle of the new development within the Conservation Area.
- Residential amenity.
- Highways and car parking.
- Ecology / Wildlife
- Other concerns raised, including possible damage to property by vibration etc.

Habitat Regulations Assessment (HRA)

The United Kingdom is bound by the terms of the Council Directive 79/409/EEC on the Conservation of Wild Birds (the Birds Directive) and the Council Directive 92/42/EEC on the conservation of natural habitats and wild flora and fauna (the Habitats Directive). These are implemented in the UK through the Conservation regulations which provide for the protection of areas of European importance for wildlife, in the form of Special Areas of Conservation (SAC's) designated under the Habitats Directive, and Special Protection Areas (SPA's) designated under the Birds Directive. Collectively, these are termed European sites, and overall network of European sites is termed Natura 2000. It is an offence under the legislation and regulations to carry out an act which may damage a qualifying species or habitat for which the site is designated. A Habitat Regulation Assessment (HRA) is the mechanism to be implemented to ensure the above legislation is complied with and determines whether a plan or project would adversely affect the integrity of any European site in terms of its conservation objectives. Where adverse effects are identified alternative solutions should be identified and the plan or project modified to avoid any adverse effects. The LPA, as the Competent Authority, can adopt the plan or approve the project only after having ascertained that it will not adversely affect the integrity of a European Site. Policy CN19 of the UDP requires the protection of designated and proposed European and Ramsar sites and accordingly, a Shadow HRA Screening Opinion accompanies the application. The information submitted provides sufficient analysis to enable the LPA to rule out direct impacts on the European Sites. The assessment of indirect impacts is less comprehensive, omitting areas of functional significance to the Northumbria Coast SPA and focusing on the small increase in human population as a result of the proposed new dwellings; however, given the small scale of this proposed development, the impact alone on key features of the European Sites is unlikely to be significant and as such, the proposals can be screened out from proceeding to full Appropriate Assessment under the Habitats Regulations.

The principle of the new development within the Conservation Area.

The application site forms part of a wider 'backland' area that is identified in The Roker Park Conservation Area CAMS as a potential development opportunity. As explained earlier, outline planning permission has previously been granted (to the same applicant) for the more comprehensive development of the southern part of the backland area, which did not progress to the detailed design stage due to ownership and viability issues.

Whilst lying within the Roker Park Conservation Area, the land is not designated in the UDP as being anything different from the surrounding streets, unlike Roker Park itself and as such has a "white land allocation" and policy EN10 is thus applicable. This states that where the Development Plan does not indicate any proposals for change, the existing pattern of land use is intended to remain; proposals for development in such areas will need to be compatible with the

principle use of the neighbourhood. The predominant use in the vicinity of the site is residential, hence the use of the land for residential purposes is considered to be acceptable in principle.

Whilst some residents have indeed objected to the principal of building on the backlands, it should be noted that this area is not identified as a park, play area, greenspace or open space on the Council's Parks and Open Spaces Register. The land appears to have been divided up and in private ownership since the surrounding houses were constructed and has never been used nor ever intended to be an area that was to be used in any communal manner. Whilst residents may have aspirations of the land being turned into an area of communal space for people to enjoy, ownership issues would seem to preclude such an idea coming to fruition. The area is well served with parks and open spaces, with both Roker Park and the large expanses of land at the sea front lying in very close proximity to site; the houses on Roker Park Terrace fronting onto Roker Park and the properties on Roker Terrace facing the Sea Front.

Since the approval of the previous scheme, pre-application discussions have continued to take place with the agent / owner of the site over revised proposals for a smaller site that is within the full control of the applicant and therefore more deliverable. The application being considered is a culmination of these discussions.

Management Proposal 7a of the Roker Park CAMS covers the application site and the wider backland area. This is re-produced in full below. The requirements have been devised to ensure that any development on the site respects the surrounding historic properties and enhances the Conservation Area. These requirements form the basis upon which the previous scheme was granted outline permission and are the key criteria against which any development proposals will be assessed, albeit with a degree of flexibility now, in light of the backland areas current circumstances, in particular continued investment and improvement of the Roker Hotel and the complex ownership issues.

PROPOSAL 7a: The Council will require a comprehensive, co-ordinated and innovative design approach to the development of the backland area. Proposals for development must satisfy the design requirements listed below.

Design Requirements for development of Backland Area

- New buildings to be predominantly laid-out around the perimeter of the site looking inwards into communal courtyards / parkland.
- Buildings around perimeter to be no more than 11/2 storeys high, and 21/2 storeys elsewhere.
- Retention and reinstatement of high brick/stone boundary walls around perimeter of site.
- Retention of limestone walls within the site.
- Retention or replacement with suitable species of mature trees.
- Distinctive and cohesive building designs that reinforce the architectural quality and character of the area.
- Proposals to develop any part of the site to make provision for access to the remainder of the site to allow for future development.

In appraising the proposals against Management Proposal 7a the development scheme satisfies most of the key design requirements set out above, but does not fully accord with all of them. Taking these one at a time:-

- The proposed houses are broadly sited along the southern perimeter of the site generally looking inwards into the site, and thus generally in accordance with the layout requirement. The layout has been revised since submission, in order to provide a more continuous

building line, rather than the staggered positioning that was originally proposed. Consequently, the dwellings respond better to the continuous building lines of the surrounding terraces. It would have been preferable for the houses to be positioned more closely to the boundary, but on balance it is accepted that the larger type of dwelling now proposed would raise amenity issues with St George's Terrace if positioned closer to the boundary. In addition, such an arrangement would impact upon more trees along the boundary, which would prejudice their retention.

- The building heights proposed are 2 storeys rather than the required 11/2 storey for houses around the perimeter. Whilst 11/2 storey dwellings would have been preferred, it is accepted that the lower ground levels will reduce the scale of the houses in relation to surrounding buildings. Furthermore, the scale of the buildings is subservient to the surrounding terraces, their height being comparable to the offshoots of the terraces that are in closest proximity to the site, which is what the agent has taken as a design cue upon which to base their scale and massing. On balance therefore, the proposed 2 storey height is considered to be sympathetic in scale to the surrounding established historic built form.
- The existing brick walls to the southern and eastern boundaries of the site are to be retained and repaired, which is acceptable. Other sections of historic brick / stone walling within the development site are proposed to be demolished, but this has been accepted previously as being necessary in order to facilitate development of the site. An important consideration with regards these walls is that they are in part constructed out of local magnesian limestone, which is of local historic significance and a very distinctive feature of the area. As per the previous application, the agent has confirmed that the sections of wall to be removed are undertaken carefully and the stones set aside for re-use in the construction of new boundary walls around the perimeter of the site, as shown on the revised drawings.
- It is noted that a number of trees are proposed to be removed, which is somewhat concerning in terms of the impact on the character and appearance of the conservation area. Trees in Conservation Areas are protected and provide important habitats for protected species and must not therefore be removed without full justification and mitigation measures put in place. The trees within the development site are a key element of the leafy character of this part of the conservation area and historic setting of the surrounding terraces. The trees that are proposed to be removed must therefore be fully justified by an Arboricultural impact assessment and a full ecological assessment, and where appropriate mitigation measures, such as replacement with suitable trees in accordance with the above design requirements. The requisite reports have been submitted for consideration by the Council's Ecologist and Tree specialist who advise that whilst trees are going to be removed, the proposed mitigation is acceptable.
- The design of the houses is contemporary and more typical of large detached modern executive suburban dwellings, rather than the mews style cottage type houses originally envisaged as most appropriate for the site. Notwithstanding this, the quality of the materials, in particular the samples of bricks that have been provided for the main elevations and feature brick panels, along with natural slate roofs and timber windows and doors, gives confidence that the houses will present an attractive group that will sit comfortably within this part of the conservation area.
- With regards the remainder of the backlands area, whilst the CAMS recommends that proposals should be able to allow access to enable development of any remaining plots, it is acknowledged that current highway and transportation restrictions limit the number of houses permitted to be accessed via the proposed site access to three. As such, the

envisaged mews style cottages arrangement around a shared courtyard is not considered to be viable or deliverable due to the high costs associated with this and on balance, therefore, the proposed arrangement is acceptable. Notwithstanding this, the agent has (for the purposes of discussion) prepared a number of indicative masterplans which do show ways in which some of the smaller undeveloped plots of land could be delivered. Each of these has their own pros and cons, which would have to be assessed on their own individual merits, should the owners ever decide to bring that land forward for development. Furthermore, it has to be acknowledged that other circumstances have changed since the CAMS was adopted, over 10 years ago. These changes make it highly unlikely that a comprehensive scheme for the redevelopment of the entire backland area will ever come forward. Most notably, the Roker Hotel, (which is the largest landowner in the backlands) has continued to invest in its business, seeing it upgraded from 3 to 4 star. This has involved a large portion of the backlands area, which is required for the business to function.

To conclude the appraisal against the CAMS, it is considered that the proposals sufficiently satisfy, albeit not entirely, the key requirements of Proposal 7a of the CAMS. Paying regard to the passage of time since the CAMS was adopted and the current circumstances of the backland area including its unkempt appearance and the complex ownership issues, it is considered that on balance, the proposed scheme achieves an appropriate design approach for the site in terms of its layout and building form, which will enhance the character and appearance of the Conservation Area and as such, is acceptable.

Notwithstanding this and as mentioned earlier, residents have raised some specific concerns over the proposals, which are considered in the following section.

Residential Amenity.

In response to the concerns raised, each is now addressed in turn.

- i) The proposal would lead to traffic problems (congestion and inappropriate parking) both during and after construction.

Whilst it is accepted that any form of development will generate additional traffic to what is currently experienced, in this instance, the limited number of dwellings are not considered to be so significant for this to give rise to any problems. As part of the proposals, a one way system will have to be introduced to the rear of St Georges Terrace. This will be introduced by way of a Traffic Regulation Order. During the construction phase, matters such as deliveries and contractors parking arrangements are usually controlled via the imposition of an appropriately worded condition requiring written details to be submitted and agreed prior to the commencement of works on site, should Members be minded to approve the application.

- ii) The proposal would generate noise and vibration both during and after construction.

As per (1) above, in respect of parking matters; further noise will inevitably occur as a result of the proposal. Again though, the relatively small scale scope of the proposals does not make this a matter which would be deemed to cause any major significant change than what is experienced at present and as such is not something that would normally be controlled, post completion. During the construction phase however, methods to control noise, dust, vibration etc will be able to be controlled via the imposition of an appropriately worded condition, should Members be minded to approve the application.

- iii) The proposal will damage the existing highway both during and after construction.

Again, as per the above, it is inevitable that some marking / damage may occur to the highway as a result of the construction works. Methods to control the management of the site activities though during the construction phase, which can include measures such as a wheel wash facility etc, can be imposed though, as is commonly done so with most developments. With regards post-construction, the proposals include a number of improvement measures to bring the rear lanes to a better standard that it is at present to the satisfaction of the Councils Transportation Engineers, which is discussed in further detail in the "highways / Car Parking" section later in this report.

- iv) The proposed dwellings are out of character with the Conservation Area.

A number of residents express a view that they consider the design of the buildings to be out of character with the Conservation Area, as they are not of a similar appearance to the large terraced Victorian houses which surround the backlands area.

An important fact to understand when considering new development in any conservation area is that whilst new buildings should have regard to the pattern, rhythm and form of neighbouring properties, they should be a pastiche of existing designs that are evident. Good examples of contemporary design are actively encouraged and welcomed in Conservation Areas, as such forms of development can contribute positively to their character and urban grain.

During meetings between Council Officers agents, proposed materials have been discussed and considered; a palette is proposed which blends very well into the vernacular character of the surroundings, through use of local 'stock' type brickwork and slate finish roofs. In terms of size and scale / massing; again, this has been given careful consideration and is largely informed by the rear offshoots to the terraced houses on St Georges Terrace. These existing offshoots are paired up back to back, typically 7 to 7.5m deep overall, and are two stories high, but at a scale slightly lower than the main house. It is these proportions which are matched by the proportions of the new dwellings. In addition to this architectural reference, a further visual cue has been made by re-orientating the dwellings slightly, (at the request of officers), so that they now run parallel to the southern boundary. This results in the alignment of the roofs and the smaller offshoots being more in-keeping with the character and appearance of the surrounding terraces, particularly when viewed from the rear lane, where only the uppermost elements of buildings can be viewed due to the high rear boundary enclosures. For these reasons, it is considered that the siting, scale and appearance of the proposals actively help in preserving and enhancing the character of the Conservation Area.

- v) The proposal does not accord with the Roker Park Conservation Area Management Strategy (CAMS).

A number of objectors consider the proposals do not accord with the CAMS a document which was adopted by the council some ten years ago. At the time of the preparation of the CAMS, it was envisaged that the entire backlands area would come forward as a single development, possibly being delivered in phases and the CAMS was prepared with this in mind. However, since then it has become increasingly apparent that such a form of development will never materialise, due to complex land ownership issues and the continued investment in the Roker Hotel, which includes a large central portion of the backlands. As explained in the "Principal of Development"

section, earlier, the proposal is considered to bring forward a significant portion of the land and has considered possible ways in which adjoining plots could possibly be brought forward in the future, to the satisfaction of Officers.

vi) The proposal represents piecemeal development of the backlands area.

As explained above, whilst not delivering the comprehensive form of development originally envisaged, the proposals are considered to be acceptable and do not compromise the delivery of further plots coming forward in the future, should there ever be a change in the current circumstances.

vii) The proposed dwellings are too tall.

With regards height, the application is accompanied by site sectional drawings which demonstrate that the buildings are of a similar / lower height to the existing rear offshoots and as such are in-keeping with the surroundings. Whilst the CAMS recommends that the form of development should be 1 ½ storeys in height and built along the perimeter of the site to form more of a Mews Cottage type property, as already explained, the type of development originally proposed by the CAMS is now unlikely to occur. As such, the 2 storey height is considered to be acceptable and will not harm the amenity of existing residents, as the houses are set away from the perimeter, approximately 9 m within the site.

viii) The proposed dwellings will block out light to the properties on St Georges Terrace.

As depicted on the site sections, the dwellings are set lower down than those already present on St Georges Terrace and are located due south. As such, it is not considered possible for any blocking out of light to occur.

ix) The proposed dwellings are too close to the existing properties on St Georges Terrace.

A separation distance of approximately 19.5m - 20 m is shown as being achieved when measured from the rear of the proposed buildings to the rear of the rear offshoots of St Georges. Council guidelines recommend a 21m distance between main-facing windows and as such, the proposals fall a little short, when considering some of the offshoots have bedroom windows to the rear elevation. This is not uncommon however and in this instance, due consideration has been paid to the very high boundary walls in this location, and the existing and proposed tree planting along the site boundary, which will mitigate against any views from yards / gardens into windows. Furthermore, it should be noted that the aforementioned 21 metres would normally be measured between the main rear walls of facing buildings, not an offshoot as has been done so here. When measuring between the main planes of the buildings, the separation is actually more in the region of 27 metres. Notwithstanding this, a considered opinion has been made based upon the shorter of these two distances and on the basis of the factors set out above, the separation between the buildings is deemed as being acceptable and will not result in any significant adverse effects upon residential or visual amenity.

x) The proposed dwellings will give rise to overlooking.

An objector has suggested that the positioning of the dwellings could result in their property being overlooked. As set out above, it is considered that the proposals in their current form achieve an

acceptable level of amenity. However, the objector has then gone on to query whether or not it would be acceptable for further development to occur within the roofspaces of the dwellings at a later stage, which could then possibly result in such conditions occurring. The agent has advised that the roof voids are intended to be used for storage only and considered it unlikely that any further changes would be made to the buildings, mainly due to their already generous floorspace provision. In order to allow for consideration of any further external alterations or additions to the buildings, it is therefore proposed that Permitted Development rights are removed, which would necessitate the requirement for planning applications for such works to be submitted, in order to allow the LPA to consider such works. A condition can be attached to any consent issued, should Members be minded to approve the proposal.

xi) The proposal would result in the loss of an unacceptable number of trees.

Residents have expressed their concern at the loss of a number of trees, some of which are large and substantial, most notably, a large sycamore on the corner of the rear of St Georges Terrace and Roker Park Terrace. The proposal is accompanied by an Arboricultural impact assessment and mitigation measures, which include the introduction of a number of suitable native replacement trees; which will be of a more appropriate scale to the area than the large sycamores that are currently present. Whilst the loss of the aforementioned large sycamore is regrettable, it is clear that its removal will bring wider benefits, such as the improvement to rear lane, which would gain an improved junction which will be easier to negotiate around as well as a pedestrian footway, which is non-existent at present. Furthermore, during the course of the consideration process, the number and location of the proposed replacement trees has been increased, which further adds to the proposals and is to the satisfaction of officers. As with other matters, this requirement, including measures to protect those trees that are to be retained, can be controlled via the imposition of a suitably worded condition, should Members be minded to approve the proposal.

xii) The proposal hasn't fully considered the wildlife implications of redeveloping the land.

The proposal is accompanied by a full ecological assessment, which has been considered to be satisfactory by the Councils Senior Ecologist. This is discussed in further detail, in the following ecology / wildlife section.

To conclude matters relating to residential amenity, whilst it is duly acknowledged that a number of residents have expressed concerns over the proposals and their perceived non-compliance with the CAMS and other guidance, it is considered that on balance, the proposals represent an appropriate form of development on this site, which once complete, will not give rise to any conditions that will adversely affect the amenities of others.

Highways and Car Parking.

Concerns have been raised by residents concerning the additional traffic which the development would generate and the possible increase in on street parking occurring, including in the back lane area. Parking for developments of this nature are at a ratio of 1 per dwelling and 1 visitor parking space per every 3 dwellings. On this basis, only 4 no. parking spaces would be required. The submitted plans however show that each dwelling has its own garage and sufficient space for 2 car parking spaces per plot and 4 no visitor parking spaces, which is clearly in excess of the aforementioned requirements and is considered to be commensurate with the more executive type housing that the proposal promotes. Such an arrangement is also considered sufficient to

help prevent any of the aforementioned perceived back-lane parking, as the occupiers of the new dwellings, their visitors and deliveries will have sufficient space within the confines of the site in which to park.

Outwith the site, the submitted drawings show a number of improvements to the current rear lane arrangement in order to facilitate the new access, which are considered acceptable; namely;

- The existing western junction to the rear of St Georges Terrace to be realigned and re-laid with the existing stone setts. This will take the form of a raised feature which will act as a traffic calming measure.
- The site boundary to the west being set into the site, in order to provide an improved radius to this corner of the site and provide space for a new 2m wide pedestrian footway.

In order to achieve the above, conditions can be imposed to ensure such works are undertaken to the necessary highways requirements and that the stone setts are re-used, where possible. It is also recommended that other hard surfacing materials such as block paving and paving stones should be approved by officers, in order to ensure an acceptable selection is achieved which is inkeeping with the Conservation Area. This will further add to the distinctiveness of the proposed development, and help create a high quality, attractive public realm.

Highways Engineers also advise that a Traffic Regulation Order will need to be introduced, including a No-Entry / One-Way system to the rear of St Georges Terrace. This will improve visibility between vehicles and pedestrians and help accommodate the turning movements of large vehicles, such as refuse collections (which will remain as per the existing arrangements), in the rear lane.

To conclude highways matters, due to the reasons set out above, the proposals are considered to be acceptable from a highways perspective and in accordance with the relevant highways guidance set out in the UDP.

Ecology / Wildlife

The Preliminary Ecological Appraisal provides the necessary ecological assessment of the site and proposals with regard to non-European Sites. A series of recommendations, including a mitigation strategy are included, which includes the provision of nest and roost boxes, which is a welcome positive inclusion to compensate proposed habitat loss. The type and location of such units should follow best practice, including proximity to lighting/disturbance, and details of these should be provided for approval in advance of works commencing on site. The inclusion of units within the buildings themselves may provide a more suitable or sustainable alternative or addition. Such measures are considered appropriate and should be delivered in full, controlled via the imposition of a condition, should Members be minded to approve the application.

During discussions with officers, the agents ecologist has confirmed that the existing brick walls and associated vegetation had a negligible risk of bats roosting, as did the mature tree T1 and as such, no further surveys of these features are required at present.

With regards the loss of trees, the proposals will require the removal of 12 trees in total. Originally, this was 14 but discussions with officers have resulted in increased retention, which is welcomed. Whilst it is acknowledged that the trees identified for removal still have reasonable life expectancy and in general contribute to the existing character of the site and the Conservation Area as a whole, it is considered that when fully mature, they will be of such a large scale they

would be inappropriate to the area. The Arboricultural report contains a number of recommendations to ensure the retained trees are not damaged and also makes recommendations with regards the proposed replacements, which would be more appropriate to the scale and form of the development and the Conservation Area. As such, it is considered that the proposals relating to trees is acceptable and the precise detail of the species and location of the replacements could be satisfactorily controlled via the imposition of conditions, should Members be minded to approve the application.

Other concerns raised, including possible damage to property by vibration etc.

With regards to the health and welfare of residents whilst the construction works are ongoing, this is something that cannot fully be taken into consideration when assessing this application, other than meeting the statutory Environmental Health requirements. It is inevitable that a construction project will give rise to some noise and disturbance etc. As with all developments, however, certain aspects such as hours of operation and the amount of noise / dust generated by activities on site can be managed to an extent via the submission and adherence to details approved under a Construction Environmental Management Plan (CEMP) which can be secured via the imposition of an appropriately worded condition, should Members be minded to approve the application.

Conclusion

To conclude, the principle of residential use at this location is long accepted having its own dedicated Policies in the CAMS. Whilst the proposal does not strictly satisfy the key requirements of Proposal 7a of the CAMS, it is considered that on balance, the proposed scheme achieves an appropriate design approach for the site in terms of its layout and building form, which will enhance the character and appearance of the Conservation Area and as such, is acceptable.

With regards residential and visual amenity, it is not considered that the proposal by virtue of its siting and design will give rise to any adverse impacts. Conversely, Officers are of the view that the proposal will considerably improve and enhance this part of the Roker Conservation Area to the benefit of all, not only from an amenity perspective but also with regards highways, as it will bring about some much-needed improvements to the sections of rear-lane that traverse around the site.

Furthermore from a wildlife perspective, it is not considered that the proposals will give rise to any adverse effects / impacts, provided the requisite recommended measures are implemented. Consequently, Members are recommended to grant consent subject to the conditions set out below.

To conclude, in weighing up the various issues summarised above, it is considered that on balance, the scheme will have a positive effect upon this part of the Roker Conservation Area. The plot of land will be brought into beneficial use; access to the site and the rear of the houses in St Georges Terrace will be improved and a high quality landscaped development will be achieved which has the potential to act as a catalyst for the further enhancement of the remainder of the area of the former walled gardens. As such, Members are therefore recommended to APPROVE the application accordingly, subject to the draft conditions set out below.

EQUALITY ACT 2010 - 149 PUBLIC SECTOR EQUALITY DUTY

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

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

The LPA is committed to

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

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

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

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

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

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

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

RECOMMENDATION: APPROVE, subject to the following draft conditions.

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 Drawing no's:
 - o 16/012/101 Rev A Site Location Plan
 - o 16/012/102 Rev B Site Plan as Existing
 - o 16/012/103 Rev B Site Plan as Proposed
 - o 16/012/104 Rev A Site Topo Survey
 - o 16/012/105 Rev B Site Topo Survey - proposed
 - o 16/012/106 Rev B Plans as Proposed
 - o 16/012/107 Rev C Proposed Roof Plans
 - o 16/012/108 Rev B Proposed Elevations
 - o 16/012/109 Rev B Site Sections - Existing / Proposed
 - o 16/012/110 Rev B Site Elevations - Proposed
 - o 16/012/111 Rev C Site Boundary Elevations - Proposed
 - o 16/012/112 Rev A Existing Garage - Plans / elevations
 - o 16/012/113 Rev A Boundary Detail / Fence Detail
 - o 16/012/114 Rev B Boundary Wall - Low Wall Detail
 - o 16/012/115 Rev C Boundary Wall
 - Design and Access Statement - Rev A
 - Conservation Design Report - Rev A
 - Preliminary Ecological Appraisal by E3 Ecology Ltd
 - Arboricultural Impact Assessment by Dendra Consulting Ltd
 - Drainage Assessment by BDN Ltd

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

- 3 Notwithstanding any indication of materials which may have been given in the application, no development shall take place until a full schedule and samples of the materials and finishes to be used for the external surfaces, including walls, roofs, doors and windows has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, these details shall include:-
 - A sample of infilling and repointing of boundary walls to be retained
 - Sample panels of new brickwork and stone walling for both houses and boundary walls, fully bedded and pointed.

Thereafter, the development shall not be carried out other than in accordance with the approved details; in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.

- 4 Before the development hereby approved is commenced, a method statement for the careful dismantling of brick and limestone walls within site, and salvaging and storing of these materials for re-use shall be submitted to and approved in writing by the Local Planning Authority. Following approval, full details of the construction of all new walls and roads using the stored materials together with all other means of boundary enclosure shall then be submitted to and agreed in writing by the Local Planning Authority, in order to achieve a satisfactory form of development and to comply with policies B2 and B4 of the Unitary Development Plan.
- 5 Before the development hereby approved is commenced, the precise details of the raised junction feature as shown on the approved plan 16/012/103 Rev B together with details of the visibility splays to the new access to the site and the associated traffic management measures shall be submitted to and approved in writing by the Local Planning Authority, in the interests of highway safety and to comply with policy T14 of the Unitary Development Plan.
- 6 Unless otherwise agreed in writing with the LPA, the development shall be implemented in complete accordance with the drainage scheme contained within the submitted document entitled "Drainage Assessment" dated 20th February 2017 by BDN Ltd. The drainage scheme shall ensure that foul and surface water flows discharge to the combined sewer at manhole 5803. The surface water discharge rate shall not exceed the available capacity of 5l/sec that has been identified in this sewer, in order to prevent the increased risk of flooding from any sources in accordance with the NPPF and to comply with policy B24 of the Unitary Development Plan.
- 7 Notwithstanding the provisions of the current Town and Country Planning General Permitted Development Order, no porches, extensions, insertion of additional windows, erection of boundary enclosures or other development shall be undertaken to the dwellings hereby permitted without the prior written consent of the Local Planning Authority, in order that the Local Planning Authority may retain control over the development and to comply with policy B2 of the Unitary Development Plan.
- 8 Construction Management
No development shall take place until a site specific Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. The plan should include, but not be limited to:-
 - Procedures for maintaining good public relations including complaint management, public consultation and liaison;
 - Arrangements for liaison with the Council's Pollution Control Team;
 - Mitigation measures as defined in BS 5528: Parts 1 and 2: 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works;
 - Hours of construction, including deliveries;
 - Control measures for dust and other air-borne pollutants;
 - Measures for controlling the use of site lighting whether required for safe working or for security purposes;

- Erection and maintenance of security hoarding;
- Operation, loading and unloading of plant and materials;
- Storage of plant and materials used in constructing the development.

Once approved, the plan shall be fully adhered to thereafter, in the interests of the satisfactory management of the site and to comply with policies B2, EN1 and T14 of the Unitary Development Plan.

- 9 No deliveries shall be taken at or despatched from the site outside the hours of 08:00 and 18:00 nor at any time on Sundays, Bank or Public Holidays to ensure that nearby properties are not adversely affected by the development and that highway safety is not compromised and to comply with policy B2 and T14 of the Unitary Development Plan.
- 10 The development hereby approved shall be carried out in complete accordance with the recommendations set out under section H of the approved PRELIMINARY ECOLOGICAL APPRAISAL version R04. Prepared by E3 Ecology, dated 02.05.2017, in order to ensure a satisfactory form of development is achieved and in order to accord with Policy CN17 of the Unitary Development Plan.
- 11 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a full scheme of landscaping and treatment of hard surfaces which shall include indications of all existing trees and hedgerows on the land, and details for their protection during the course of development, in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.
- 12 The development hereby approved shall be carried out in complete accordance with the mitigation measures set out under section 4 of the approved ARBORICULTURAL IMPACT ASSESSMENT dated 05/05/2017 prepared by Dendra Consulting Ltd, in order to ensure a satisfactory form of development is achieved in the interests of visual amenity and to comply with policy CN17 of the Unitary Development Plan.
- 13 Before the development commences a method statement shall be submitted to the Local Planning Authority detailing the method of construction for any works to be undertaken within the crown spread of any trees on the site. Such details to include methods of excavation. All works shall be carried out in accordance with the agreed details in the interests of visual amenity and to comply with policy CN17 of the Unitary Development Plan.
- 14 The erection of fencing for the protection of any retained trees shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority, in the interests of visual amenity and to comply with policy CN17 of the Unitary Development Plan.

- 15 Before the trees which are the subject of this application are pruned or felled, an ecological method statement setting out the works and providing details of the location, size and species of the replacement planting shall be submitted to and agreed with the Local Planning Authority along with a timescale for the replanting. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 "Tree Work", in the interests of visual amenity and to comply with policy CN17 of the Unitary Development Plan.
- 16 If any tree identified as being retained tree is removed, uprooted, destroyed or dies, another tree shall be planted at the same place and that tree shall be of such a size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority, in the interests of visual amenity and to comply with policy CN17 of the Unitary Development Plan.
- 17 All other planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the buildings or the completion of the development whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation, in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.

Reference No.: 17/01457/FUL Full Application

Proposal: Change of use of vacant grassland to paddock and construction of associated stables and erection of boundary enclosure.

Location: Land South Of South Bents And Weardale Avenues Seaburn Sunderland

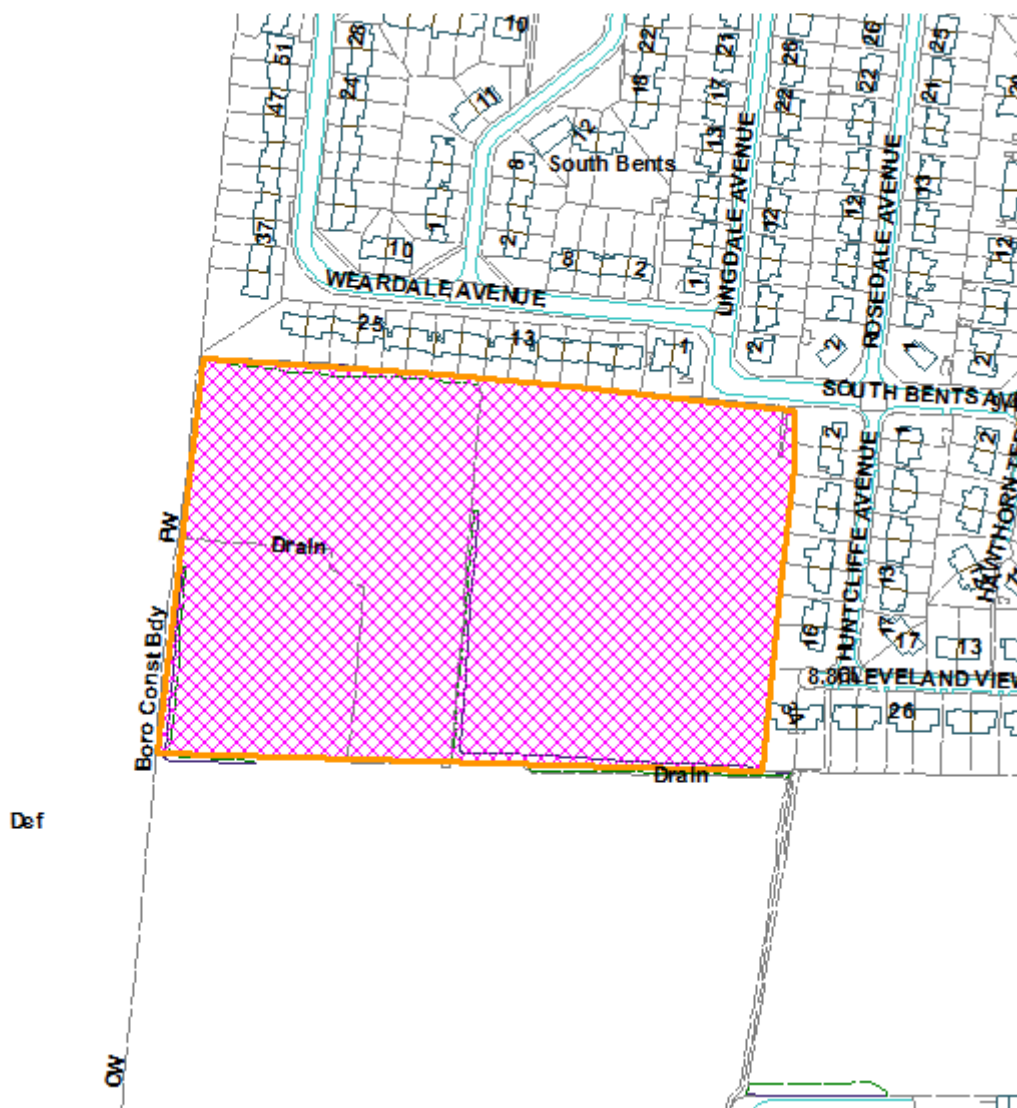
Ward: Fulwell

Applicant: Sunderland University

Date Valid: 17 July 2017

Target Date: 16 October 2017

Location Plan



PROPOSAL:

The application is for the change of use of vacant grassland to paddock and construction of associated stables and erection of boundary enclosure at land south of Bents and Weardale Avenue, Seaburn.

The application is a major planning application and is a departure from the Unitary Development Plan, the application has been advertised by the way of Neighbour notification, site and press notice.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Fulwell - Ward Councillor Consultation
Environmental Health
Network Management
DC North Chair And Vice Chair Consultation
Environmental Health
Natural England

Final Date for Receipt of Representations: **25.09.2017**

REPRESENTATIONS:

Statutory and Non Statutory response

Planning Policy Response

The land in question is identified in the UDP as existing greenspace and is therefore subject to Policy L7. The greenspace has not been used as sports pitches for more than 15 years but does act as quality natural greenspace. According to the 2012 Greenspace Report, amenity greenspace provision in the neighbourhood is well above the city average, so some loss of greenspace quantity (on its own) would not unduly affect the overall area quantity. Nevertheless, Policy L7 states that alternative greenspace provision should be provided to replace this provision, ensuring that there would be no significant effect on the amenity, recreational and wildlife habitat value of the site, and that access across the site should be retained.

The 2017 Draft Core Strategy and Development Plan contains Policy E9 states that any development proposal on greenspace needs to demonstrate that it would bring substantial benefit to the community that would outweigh the harm resulting from the loss of open space. If this can be demonstrated, the loss of greenspace may be acceptable once the applicant demonstrates that provision is surplus in the area. It should be recognised that the policies contained in the draft Plan, hold very limited weight in the decision making process at this time.

The open space report submitted with this application has not addressed either of these policies. These need to be duly addressed and if the applicant does not propose to provide alternative provision, as set out within Policy L7 they should clearly justify why a departure from the policy is

acceptable in this instance. I would further advise that the impact of a change of use from greenspace to paddock and stables is considered in relation to Habitats Regulations Assessment (HRA).

Natural England- No adverse comments on the proposal, it should be noted that Natural England only comment on Statutory designation and all other ecological issues are a matter for the competent authority to review and comment upon.

Environmental Health - comments have been issued on several areas which are under Environmental Health remit. A condition has been recommended should members be minded to approve the scheme, in respect of construction management plan.

Network Management:- Adverse comments have been received from the local highway authority in respect of the access point and lack of sufficient information in respect of vehicle movement to and from the site.

Neighbour Representation:

1 Letter of support has been received to the proposal

1 Letter of representation is also displayed on the Planning Public Access; this was submitted by the Local Planning Authority to ensure public access was functioning correctly after concerns were raised from members of the public.

1 Petition was submitted the key concerns raised in the petition are:

- If the application was approved then the citizens of Sunderland will lose an amenity that was bequeathed to them for the purposes of leisure and outdoor activities that would encourage and support healthy life styles for the young and old.
- The preservation of green space areas should be sacrosanct ingredients to lifestyles.
- Any development on this site would have an adverse impact on our protected coast.
- Pre cursor for more development
- The people ask the Council/Planning Committee to refuse this application for the foregoing reasons

158 Letters of objections have been received to the proposed development the key areas of concern are summarised below:

- Land is Greenbelt - The proposed land is allocated open space on the Unitary Development Plan.
- Misleading application - All applications are judged on their individual merit.
- Overdevelopment of the area
- Only want change of use to sell land onto housing developers
- Lack of recreation areas for children to play
- Potential traffic issues from the proposed development
- Potential claims of rights of way
- Negative impact on wildlife
- Health and Safety concerns in respect of horse muck and smells
- No shortage of stabling in the area

- Sunderland University have no intentions of running equestrian courses
- Sunderland University have already admitted in writing that the application is being made with the sole purpose of protecting their longer term interests and value in the land. They have no intentions of building a stable block for the long term.
- Attempt to change the use of the land from Greenfield to Brownfield
- Increase of vermin in the area
- Disruption during construction
- Please think of long term impacts on the area - lack of ambition for the area
- Need leisure facilities
- No assessment of local flora and fauna
- No assessment of the effect of effluent run off onto local watercourse and beaches
- Impact on Mental and Physical health of the local population
- Loss of privacy
- Inappropriate use
- Noise from use
- Traffic generation
- Light pollution
- Development should be rejected

Julie Elliott MP Sunderland Central representation:

I object to this application because the enclosure would prevent access for people to use a walk way which crosses through this area. I have lived in Whitburn, Fulwell and Roker my entire life and have used this walk way regularly. I am therefore familiar with this particular plot.

The path way which runs through the site is well used by many people on a daily basis and has been for my entire life and probably for many years before that. The path provided well established linkages between communities which are needed on these grounds I object strongly to this application. I believe we must preserve the right to walk through these fields in whatever development occurs on this land in the future and that this is non-negotiable.

Cllr G Howe representation:-

I wish to lodge my objections to the application, note above , submitted by Sunderland University on the following grounds:

1. The utilisation of green space which was bequeathed to the people of Sunderland in the late 18 Century and which has and is being used by residents of Sunderland and visitors over many years for recreational purposes.
2. Urban green space provides multifunctional benefits. It contributes to coherent ecological networks, allowing species to move around within , and between, towns and the countryside with even small patches of habitat benefitting movement. Greener neighbourhoods and improved access to nature contributes to improve public health and quality of life and reduce environmental inequalities.
- 3 Communities were given the powers to protect green spaces during the last Conservative /lib Dem coalition

Government 2010/2015. The National Environmental White Paper, 7 June 2011 included proposals to give communities new powers to designate protected green areas as part of local neighbourhood plans.

4. Local communities will be able to earmark for special consideration local 'green space' -whether its value is in its natural beauty, its historic resonances, its recreational value, its tranquillity or its importance as a wildlife habitat.

By allowing this rather suspect planning application to be accepted flies against all the above points and will deprive residents of Sunderland and visitors to the area of beauty, recreation and natural habitat that have been enjoyed over the past years.

I object strenuously to the application. It should remain as an green space.

In light of the concerns raised above and due to insufficient information submitted with the planning application, many of the points raised above cannot be responded to due to the lack of information contained with the application submission. The comments section of the report sets out the principle of development, ecological and highway implications.

POLICIES:

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

L_7_Protection of recreational and amenity land

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

B_2_Scale, massing layout and setting of new developments

COMMENTS:

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

- 1 Principal of development
- 2 Impact on ecological matters
- 3 Highway implications

1 Principal of development

The proposed development site is shown as an area of "allocated open space" 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.

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. Paragraph 14 states that this means that when determining planning applications, authorities should:

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

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

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

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

- proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs,
- encourage the effective use of land by re-using land that has been previously developed (i.e. brownfield land),
- always seek to secure a high quality design and a good standard of amenity,
- take account of the different roles and character of different areas, recognising the intrinsic character and beauty of the countryside;
- take full account flood risk and coastal change;
- actively manage patterns of growth to make fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable;
- conserve and manage heritage assets in a manner appropriate to their significance, and
- contribute to conserving and enhancing the natural environment

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

The application is for the change of use of vacant grassland to paddock and construction of associated stables and erection of boundary enclosure.

The land in question is identified in the UDP as existing greenspace and is therefore subject to Policy L7.

The greenspace has not been used as sports pitches for more than 15 years but does act as quality natural greenspace. According to the 2012 Greenspace Report, amenity greenspace provision in the neighbourhood is well above the city average, so some loss of greenspace

quantity (on its own) would not unduly affect the overall area quantity. Nevertheless, Policy L7 states that alternative greenspace provision should be provided to replace this provision, ensuring that there would be no significant effect on the amenity, recreational and wildlife habitat value of the site, and that access across the site should be retained.

The 2017 Draft Core Strategy and Development Plan contains Policy E9 states that any development proposal on greenspace needs to demonstrate that it would bring substantial benefit to the community that would outweigh the harm resulting from the loss of open space. If this can be demonstrated, the loss of greenspace may be acceptable once the applicant demonstrates that provision is surplus in the area. It should be recognised that the policies contained in the draft Plan, hold very limited weight in the decision making process at this time.

The open space report submitted with this application has not addressed either of these policies. These need to be duly addressed and if the applicant does not propose to provide alternative provision, as set out within Policy L7 .

The application has been advertised as a departure from the Unitary Development Plan, further discussion have taken place with the agent in respect of additional information required in order for the Local Planning Authority to consider the application.

The agent has confirmed that no additional information will be submitted, therefore, the Local Planning Authority is unable to fully assess the application and as such it is recommended that members refuse the application based on lack of sufficient information to justify the loss of the allocated open space and the need to demonstrate its replacement. Therefore, the proposed change of the land can not be fully evaluated as all material considerations are not present.

The proposed scale and massing of the stable block has not been considered in determining the application as the principle of development has not been established due lack of information to make a robust decision taking into account all relevant material considerations.

2 Impact on ecological matters

In respect of ecological impact and the nature of the application it was not considered necessary that a Phase 1 extended habitat assessment was required as part of the application due to the nature of the proposal.

Concerns were raised from residents in respect of impact on the coast and why a HRA (Habitat Regulation Assessment) was not submitted.

Consultation was undertaken with Natural England and their response is stated below:

Although consultation was not necessary in this instance, consultation was carried out following contact from Natural England.

Natural England response to the submitted information was to issue no objections to the proposed development as it was not considered to have any significant adverse impacts on designated sites. Therefore no HRA assessment was required to be submitted in respect of this application.

The Local Authority ecologist has reviewed the application, it has become clear that the site is currently heavily disturbed by dog walkers and it is therefore unlikely that birds that are interest features of the site and Durham Coast Site of Special Scientific Interest (SSSI) will be significantly affected. In addition, even though the development will displace current dog walkers, the site is

adjacent to other green spaces and Public Rights of Way that will form a suitable alternative. It is therefore unlikely that recreational disturbance on designated sites will increase significantly. The site is not currently in use as a Suitable Alternative Natural Green Space (SANGS).

Therefore no additional information is required in respect of ecological issues.

The proposed development is not considered to have a detrimental impact on the ecology of the application site.

3 Highway Implications

Paragraph 32 of the NPPF requires that all developments that generate significant amounts of movements should be supported by a Transport Statement (TS) or Transport Assessment (TA) and development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Paragraph 35 states in part, that plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people and paragraph 36 emphasizes the use of Travel Plans to facilitate this movement.

UDP policy T14 requires new development to be readily accessible by pedestrians and cyclists, whilst development proposals should not cause traffic congestion or highway safety problems and make appropriate safe provision for access and egress. Policy T13 identifies the need for highway improvements, whilst policies T8, T9, T10 and T11 seek to improve facilities for personal mobility.

The Local Highway Authority response raises significant concerns in respect of the access to the proposed development and has insufficient information in respect of traffic movements to fully consider the application.

The application includes a Design and Access Statement which is the appropriate document for assessing traffic based on the change of use of the land and erections of stable blocks. The Design and Access Statement does not state the typical vehicle movements to and from the site.

The proposed site access

The proposed access point from South Bents Avenue is in close proximity to the rear boundary fence line of Huntcliffe Avenue. Consideration should be given to relocating the access to a central location to accommodate vehicular access.

The access will need to be provided at a width suitable for accommodating access by vehicles transporting horses and any deliveries associated with the use of stable; typically horse box trailers and any associated delivery vehicles. Further details of the proposed access arrangement will be required including Auto-track information to demonstrate that trailers/delivery vehicles can enter and exit the site in one turning manoeuvre within the limits of the public highway.

Site Boundary

The site boundary appears to enclose the full area of land. There are no registered public rights of way across or routed directly through the development site. The applicant should however be aware of the provisions of section 31 of the Highways Act 1980 which relates to presumed dedication of public rights of way where there has been 20 years use by the public as right and

without interruption, and also of Section 53 of the Wildlife and Countryside Act 1981 by means of which such ways be added to the Definitive Map.

There is potential for claimed routes across the development site.

Summary of highway implications

The Design and Access statement does not provide a sufficient level of information on the type and number of vehicles expected to visit this proposed use. Further consideration needs to be given to the layout and location of the site access and treatment with regard to enclosures of the site boundary.

Further to discussion with the agent, it has been confirmed that no additional information will be submitted in respect of the highways issues raised. Therefore, the proposed development cannot be supported on highway grounds due to insufficient information to consider the application. The application is therefore considered contrary to policy T14 of the adopted Unitary Development Plan.

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

The Local Planning Authority is unable to fully assess the application and as such it is recommended that members refuse the application based on lack of sufficient information to justify the loss of the allocated open space and the need to demonstrate its replacement and due to lack of information to fully assess the impact of the proposed development on the highway network.

Therefore, the proposed change of the land can not be fully evaluated as all material considerations are not present.

RECOMMENDATION: Members are recommended to Refuse the application for the reason set out below:-

Reasons:

- 1 There is insufficient information in order to fully assess the proposed development in terms of the principle of development and highway implications. Therefore the development is in conflict with paragraph 32 of the National Planning Policy Framework, policies L7 and T14 of the adopted Unitary Development Plan and emerging policy E9 of the 2017 Draft Core Strategy and Development Plan.