

## **DEVELOPMENT PLAN**

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

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

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

## **STANDARD CONDITIONS**

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

## **SITE PLANS**

The site plans included in each report are illustrative only.

## **PUBLICITY/CONSULTATIONS**

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

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

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

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

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

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

Peter McIntyre

Executive Director Economy and Place

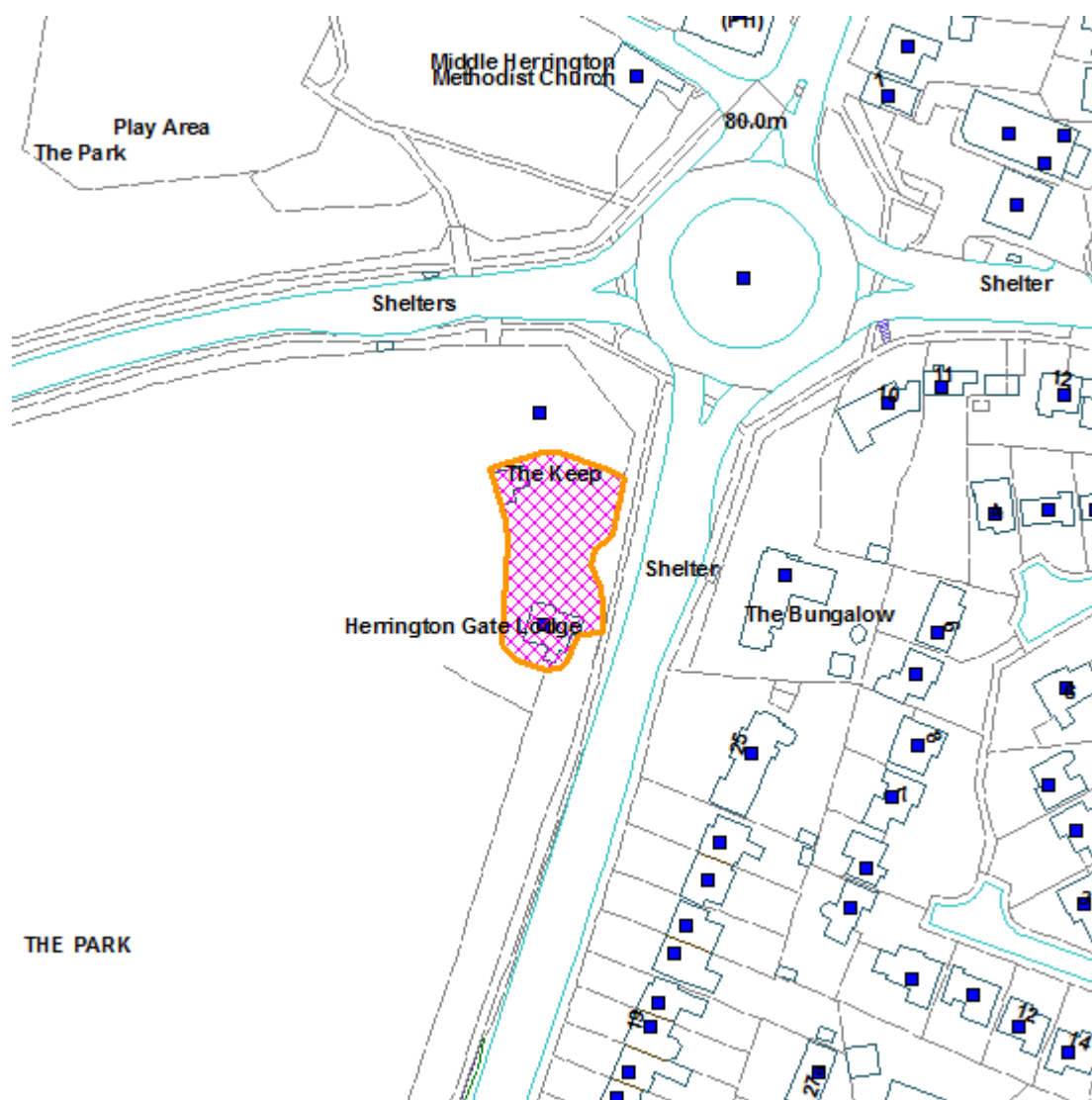
**Reference No.:** 18/00474/FUL Full Application

**Proposal:** Change of use from residential (C3) for use as pre school play centre (D1) to include two single storey extensions, provision of car parking and associated tree works.

**Location:** Herrington Gate Lodge, Durham Road, Sunderland, SR3 3RJ

**Ward:** St Chads  
**Applicant:** Mr English  
**Date Valid:** 16 April 2018  
**Target Date:** 11 June 2018

### Location Plan



## **PROPOSAL:**

The application seeks full planning permission for a change of use of an area of land and a building within the curtilage of the existing dwelling house (i.e. Use Class C3) to a pre-school play centre (Use Class D1) (including two single storey extensions, provision of car parking and associated trees works) at Herrington Gate Lodge, Durham Road, Sunderland.

The application has been called to the Sub-committee by Ward Cllr Porthouse.

The site lies towards the south west of the City and immediately adjoins East Herrington Park. The surrounding land uses include the park itself, one of the main roads into the City to the east (Durham Road) and residential. The site itself lies to the north east of the park and comprises an irregularly shaped piece of land with a building in the north western corner. The blue line boundary on the submitted location plan also includes the dwelling house to the south.

The building on the site, subject of the proposed change of use and extension, has previously granted planning permission as a private garage (ref: 92/0134). The boundary shown on the submitted site plan submitted with the earlier grant of planning permission enclosed both the dwelling house to the south and the site itself; which means that the site has previously been given consideration as being residential curtilage.

## **TYPE OF PUBLICITY:**

Press Notice Advertised  
Site Notice Posted  
Neighbour Notifications

## **CONSULTEES:**

Network Management  
St Chads - Ward Councillor Consultation  
Tyne And Wear Archaeology Officer

Final Date for Receipt of Representations: **31.05.2018**

## **REPRESENTATIONS:**

St Chads - Ward Councillor Consultation: no responses received.

Archaeology Officer: no archaeological work required.

Network Management: No objections; subject to conditions.

The eight representations of support are summarised below:

Lack of similar facilities in the area.

Beneficial to local facility for both parents/ grand parents and children.

Encourage people into the area. Positive addition to area.

Would not affect aesthetics or traffic of area.

## **POLICIES:**

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

CN2 - Purpose of the Green Belt in Sunderland

CN3 - Control of development within the Green Belt

B2 - Scale, massing layout and setting of new developments

B11 - Measures to protect the archaeological heritage of Sunderland (general)

T14 - Accessibility of new developments, need to avoid congestion and safety problems arising

T22 - Parking standards in new developments

CN17 - Tree Preservation Orders and replacement of trees

CN22 - Developments affecting protected wildlife species and habitats

CF4 - Provision for Nursery Education

## **COMMENTS:**

### **1. Principle of the Development**

The submitted documents describe the proposed development as serving a target market of pre-school children. The facility can be given consideration using UDP policy CF4 which states that

"Development of nurseries outside existing schools will be allowed where their impact on the amenities of the neighbouring area is acceptable and the traffic generated can be safely accommodated".

Officers consider that the policy accords with the Framework which states, at paragraph 94, that "Local planning authorities should widen choice in education".

The site also lies within the Green Belt. The wording of the policy within the UDP (1998) which covers extensions within the Green Belt, CN3, has a different wording to the NPPF (2018). Officers therefore consider that the Framework should be used to consider the proposed development. The Framework states, at paragraph 133, that

"The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence."

The Framework continues, at paragraph 143, by stating that

"Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances."

The Framework states, at paragraph 145, that

A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
  - not have a greater impact on the openness of the Green Belt than the existing development; or
  - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority."

Officers are of the view that the proposed development would not fall within (a), (b), (d), (e) or (f).

In terms of (c), the submitted justification statement identifies that the proposed development would increase both the footprint and volume by 50% (adding 22 square metres and 52.8 cubic metres to the existing 44 square metres and 105.6 cubic metres). Officers therefore consider that the proposed development would be beyond the scope of what could reasonably be construed as being "not disproportionate".

In terms of (g), the glossary to the Framework identifies previously developed land as excluding "land in built-up areas such as residential gardens". Officers therefore consider that the proposed development would not benefit from (g).

The Framework further states, at paragraph 146, that

Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

- a) mineral extraction;
- b) engineering operations;
- c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;
- d) the re-use of buildings provided that the buildings are of permanent and substantial construction;
- e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and
- f) development brought forward under a Community Right to Build Order or Neighbourhood Development Order.

Officers are of the view that the proposed development would not fall within (a), (b), (c), (e) or (f).

In terms of (d), the proposed development would involve the construction of substantial extensions and would therefore not benefit from (d).

In the absence of the proposed development meeting the criteria of paragraphs 145 and 146 of the Framework, the provisions of paragraph 144 are relevant; i.e.

"When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations."

The agent has submitted a "Planning Justification Statement" which describes the proposed development and notes planning policy. The statement continues by noting that the land had been proposed for removal from a previous iteration of the Draft Core Strategy. Officers would, however, draw to attention that the site remains in the Green Belt; both in terms of the existing UDP and the latest iteration of the Draft Core Strategy.

The statement identifies a quote from case law and then gives consideration to the five purposes of Green Belt. Officers would have concern that the statement does not present very special circumstances to the extent that the harm to the Green Belt by reason of inappropriateness would be outweighed.

The applicant has also submitted a supporting statement. The statement explains how the proposed pre-school facility would have a "target market is pre-school children (5 and under) and more specifically children who have older siblings at East Herrington Primary Academy" and would provide pre-school activities. The statement continues by noting that the nearest centres similar to the proposed development are further afield in Hebburn (10 miles away), Peterlee (10 miles away) and Washington (6.4 miles away). There have also been representations received that note a lack of facilities in the area and draw to attention the potential positive impacts of the proposed development. Whilst officers acknowledge that there would potentially be public benefit in providing a more local facility, there would still be harm caused to the Green Belt by reason of inappropriate development. Officers would have concern that the provision of the facility in question would not of itself be a very special circumstance.

Officers would draw to attention that, in addition to the above, consideration needs to be given the impact of the proposed development upon the openness of the Green Belt; in accordance with paragraph 133 of the Framework. Officers consider that the proposed development, given the proposed single storey extensions to an existing building screened from public vantage points by tree planting, would not lead to a material harm in terms of openness.

Officers would therefore advise that whilst the proposed development would not harm openness, the proposal would nonetheless be inappropriate development within the Green Belt and would, by definition, be harmful. In the absence of any very special circumstances, the application should not be approved.

## 2. Amenity

The UDP, at policy B2, states that

"New developments and extensions to existing buildings should? retain acceptable levels of privacy"

The UDP, at policy CF4, also states that

"Development of nurseries outside existing schools will be allowed where their impact on the amenities of the neighbouring area is acceptable."

Officers consider the policy, within the context of the current application, to be consistent with the Framework.

Officer opinion would be that the proposed extension would not lead to a loss of amenity for users of the park or the occupiers of the dwelling house to the south.

In the absence of any other material considerations to the contrary, officers consider the proposed development would accord with UDP policies CF4 and B2.

### 3. Design

The UDP, at policy B2, states

"The scale, massing, layout or setting of new developments and extensions to existing buildings should respect and enhance the best qualities of nearby properties and the locality' Large scale schemes, creating their own individual character, should relate harmoniously to adjoining areas."

Officers consider the policy, within the context of the current application, to be consistent with the Framework.

The proposed extensions would continue the linear form of the host building and would be constructed from matching materials. The larger of the two extensions would have a lower eaves and ridgeline. The proposed development would also be screened from public vantage points to an extent by the established tree planting.

In the absence of any material considerations to the contrary, officers consider that the proposed development would accord with UDP policy CN4 and B2.

### 4. Heritage

The UDP identifies that site as lying within an "Other Specific Sites and Monuments".

The UDP, at policies B11, states that

"The City Council will promote measures to protect the archaeological heritage of Sunderland and ensure that any remains discovered will be either physically preserved or recorded"

Officers consider the policy, within the context of the current application, to be consistent with the Framework.

The Tyne & Wear Archaeologist has advised that no work would be required.

In the absence of any material considerations to the contrary, officers consider the proposed development would accord with UDP policy B11.

### 5. Highway

The UDP, at policy CF4, states

"Development of nurseries outside existing schools will be allowed where... the traffic generated can be safely accommodated"

The UDP, at policies T14 and T22, also states

"Proposals for new development should

- (i) 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
- (ii) Not cause traffic congestion or highways safety problems on existing roads.
- (iii) Make appropriate safe provision for access and egress by vehicles, pedestrians, cyclists and other road users, paying particular attention to the needs of people with mobility impairment.
- (iv) Make provision for the loading and unloading of vehicles
- (v) Indicate how parking requirements will be met

In deciding the appropriate level of car and cycle parking to be provided in connection with a development proposal, the Council will have regard to

- (i) Development type.
- (ii) Locational characteristics."

Officers consider these policies, within the context of the current application, to be consistent with the Framework.

The proposed development would use the existing point of access and would incorporate four parking spaces and a turning head. The agent has submitted a Travel Plan showing the adopted crossing points and the location of a public car park. The applicant has further submitted a statement identifying the opening times and occupancy of the building. The Highway Authority has examined these documents and plans and have raised no objection; subject to conditions.

In the absence of any material considerations to the contrary, officers consider that the proposed development would accord with UDP policies T14 and T22.

## 6. Trees

There are trees on the site which are protected by the "Borough of Sunderland Tree Preservation (Number 55) Order 1989".

The UDP, at policy CN17, states

The City Council will encourage the retention of trees which make a valuable contribution to the character of an area by the making of Tree Preservation Orders' The retention of trees, hedges and landscape features in all new development will be required where possible.

The UDP, at policy CN22, states that

"Development which would adversely affect any animal or plant species afforded special protection by law, or its habitat, either directly or indirectly, will not be permitted unless mitigating action is achievable by the use of planning conditions and the overall effect will not be detrimental to the species and the overall biodiversity of the City".



Officers consider the policies, within the context of the current application, to be consistent with the Framework.

The applicant has submitted an Arboricultural Impact Assessment which identifies the tree works would be pruning to clear the building (T3), removal of a minor stem (T5), pruning clear of the road (T33 & T34), removal of horse chestnut (T35). The Assessment also identifies that there were no visual signs to indicate the presence of bats in the surveyed trees and no nesting birds were present at the time of inspection (albeit signs of past nesting activity were present).

Officers consider that the majority of the proposed tree works would preserve the amenity of the area, with the exception of the tree to be felled (T35). The Assessment does, however, identify the tree in question to be diseased and accordingly officers do not object to the loss of the tree.

In the absence of any material considerations to the contrary, officers consider that the proposed development would accord with UDP policies CN17 and CN22.

## Conclusion

The provision of the proposed facility would, in principle, accord with policy CF4 of the UDP. The proposed development, in terms of considerations relating to amenity, design, heritage, highways and trees, would accord with the relevant development plan policies.

The site does, however, lie within the Green Belt. The proposed development would, at an increase of 50%, be a disproportionate addition over and above the size of the original building and would be inappropriate development which, by definition, would be harmful to the Green Belt and should not be approved except in very special circumstances. The applicant, in the opinion of officers, has not submitted any very special circumstances that would clearly outweigh the harm to the Green Belt. The application therefore should not be approved.

## 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:-

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

The LPA is committed to

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

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

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

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

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

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

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

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

**RECOMMENDATION:** REFUSE, for the reason below:

**Reasons:**

1 The site lies within the Green Belt and the proposed development would not fall into any of the exemptions provided by paragraphs 145 and 146 of the National Planning Policy Framework (2018). The proposal would therefore be inappropriate development which would, by definition, be harmful to the Green Belt. The applicant has not submitted, in the opinion of the Local Planning Authority, any very special circumstances that would clearly outweigh the harm to the Green Belt. The application therefore should not be approved.

**Reference No.:** 18/00749/FUL Full Application

**Proposal:** **Demolition of existing public house and erection of 19 dwellings with associated parking and landscaping.**

**Location:** The Inn Place, Knollside Close, Sunderland, SR3 2UD

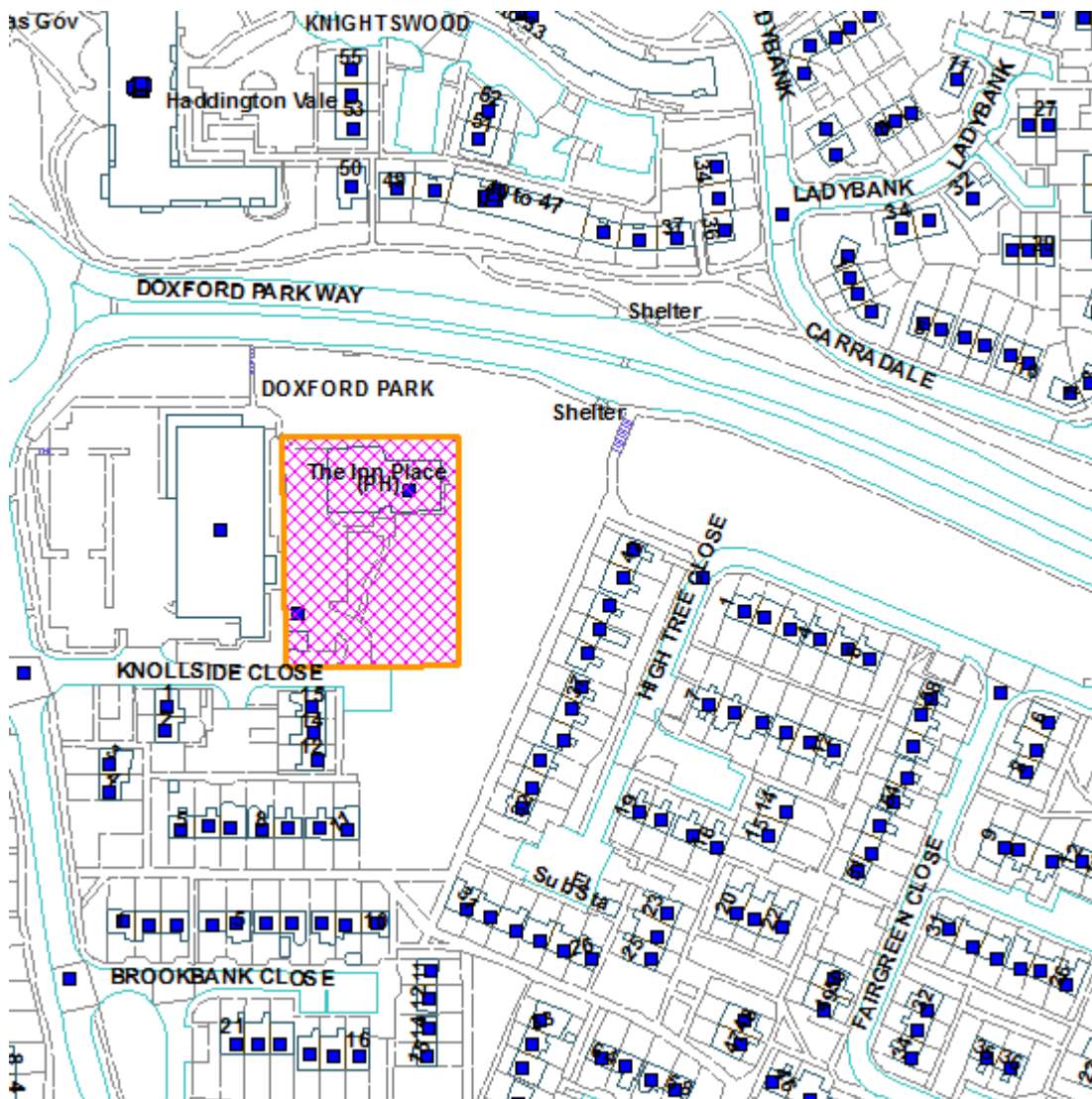
**Ward:** Doxford

**Applicant:** The Inn Place Partnership

**Date Valid:** 16 May 2018

**Target Date:** 15 August 2018

## Location Plan



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## **PROPOSAL:**

The proposal seeks consent to demolish the Inn Place Public House (formerly known as Hall Farm and District Social Club, which was erected under planning permission SD785/78DM) and to erect 19 dwellings with associated parking and landscaping. The 0.33 Ha site is situated on the Hall Farm Estate on Doxford Park Way, close to the Morrison's. To the immediate west of the site, adjoining the site boundary is a recently constructed Aldi store, which Members may recall was approved at the meeting held on 17.12.2013 (app ref no. 13/00544/FUL). Land to the immediate north, east and south of the site comprises of an amenity grassland area, which rises in height to the north, forming an embankment that runs along Doxford Park Way. Dwellings lie beyond to the east (High Tree Close) and the south (Knollside Close).

The proposal offers a mix of accommodation comprising of two, three and four bedroomed dwellings ranging between 2 and 2.5 stories in height. The site is accessed via Knollside Close, a cul-de-sac that runs to the south of the site. On the approach towards the site, the Aldi store sits in front of the application site, screening much of the view of the proposal until you reach its main entrance, from where you can see the development, arranged around a central access road. Beyond the eastern site boundary lies an area of close-mown green / amenity space which terminates at the frontages of the dwellings of High Tree Close. Only a pedestrian footpath separates the small front gardens of these properties from the green space, which is a somewhat unusual although typical characteristic of the way that the Hall Farm estate was designed, insofar as these houses just have a pedestrian footpath to their fronts, with all roads / vehicular access being made to the rear. This gives these properties a most pleasant uninterrupted outlook onto this area of green space without the usual encumbrance of a highway and its associated vehicles.

The application has been advertised accordingly, by way of site and press notice and neighbour notifications.

## **TYPE OF PUBLICITY:**

Press Notice Advertised  
Site Notice Posted  
Neighbour Notifications

## **CONSULTEES:**

Flood And Coastal Group Engineer  
Network Management  
Castle - Ward Councillor Consultation  
Environmental Health  
Director Of Childrens Services  
Northumbrian Water  
Southern Area Command - Police

Final Date for Receipt of Representations: **12.06.2018**

## **REPRESENTATIONS:**

### **NEIGHBOURS**

A letter of representation has been received on behalf of Aldi stores Ltd in respect of the development. Whilst not objecting to the proposal, their agent did express concern over the relationship between Aldi and the rear of proposed dwellings. This is discussed in detail in the design / amenity and noise sections below.

### **CONSULTEES**

Northumbrian Water

Have observed that the application does not provide sufficient detail with regards surface water management in order to enable Northumbrian Water to assess their capacity to treat the flows from the development and as such have recommended that a condition be imposed requiring such details to be provided and approved by the LPA in consultation with themselves prior to development commencing

## **POLICIES:**

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

B2 - Scale, massing layout and setting of new developments  
EN5 - Protecting sensitive areas from new noise/vibration generating developments  
EN6 - Limit exposure of new noise/vibration sensitive developments to existing sources  
EN7 - Proposals for residential development in the vicinity of railway tracks  
EN10 - Proposals for unallocated sites to be compatible with the neighbourhood  
EN12 - Conflicts between new development and flood risk / water resources  
H1 - Provision for new housing  
H8 - Windfall sites to accord with other policies unless specific benefits are provided  
R1 - Working towards environmentally sustainable development  
R2 - Taking account of spare infrastructure / reduced travel / vacant & derelict land  
R4 - Incorporation of energy saving measures  
T14 - Accessibility of new developments, need to avoid congestion and safety problems arising  
T22 - Parking standards in new developments

## **COMMENTS:**

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

- o Principle of development
- o Design and amenity
- o Highway considerations
- o Environmental Factors - Drainage / flooding, Noise, contamination etc
- o Other Considerations (including legal agreements)

### **1. Principle of development**

In considering the proposal for residential development it is important to consider both National and Local Planning Policy.

### National Planning Policy

On a national level, the NPPF sets out the Government's planning policies for England and how these should be applied. Paragraph 7 explains that the purpose of the planning system is to contribute to the achievement of sustainable development; i.e. meeting the needs of the present without compromising the ability of future generations to meet their own needs. Paragraph 38 then advises that Local Planning Authorities should approach decision making in a positive and creative way and should seek to approve applications for sustainable development wherever possible. Chapter 12 relates to achieving well designed places and advises that planning should always seek to ensure that developments "will function well and add to the overall quality of the area" and "optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development" "with a high standard of amenity for existing and future users" Paragraph 130, meanwhile, states that "planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions".

### Local Planning Policy

From a local perspective, it is noted that the site has not been identified in the Council's Strategic Housing Land Availability Assessment (SHLAA), and as such is considered to be a windfall site, which is brownfield in nature. The re-use of brownfield sites such as this is recommended by the NPPF wherever possible as it is seen as an effective and efficient solution to deliver housing, provided the location is sustainable and compatible with neighbouring uses. Upon inspection of the planning policies for the site, it is noted that the western side of the land in question is not covered by any specific policies. As such, this area is categorised as "white land" and Policy EN10 would therefore be applicable. This policy stipulates that where land has not been identified for change then any proposals that come forward should be compatible with the prevailing land use in that area. As the proposal seeks to provide new housing within a wider predominantly residential area, these nine houses on the western half of the site are considered to accord with EN10 and as such, are considered to be acceptable, subject to sufficient adequate justification.

It is noted however that the eastern half of the site lies within an area that is categorised as open space in the UDP. Accordingly, UDP policies L1 and L7 are therefore applicable to this side of the site, which state the following:-

L1 states that in the provision of recreation and leisure facilities the City Council will seek to:  
(v) retain existing parks and recreation grounds and maintain and upgrade the facilities in line with modern requirements and nature conservation considerations.

L7 states that Land allocated for open space or outdoor recreation, as shown on the proposals map, will be retained in its existing use. This includes playing fields attached to schools or other educational establishments. Permission for other uses on these sites will only be granted if: alternative provision, of an equivalent scale, quality and accessibility is made which assists the achievement of the standards indicated in policies L4, L5 and L6; or the development is for educational purposes; and, there would be no significant effect on the amenity, recreational and wildlife habitat value of the site. Similarly, access to existing or proposed open space will be protected from alternative development.

As such, in order to develop the 10 no. dwellings on the eastern side of the site, the applicant has provided an Open Space Assessment to justify the proposed loss of the small portion of a wider area of open space. The report identifies a characteristic of the Hall Farm area is that it is interspersed with grassed areas of open space. Indeed an extensive network of these lead from the south and the west of the site. The report goes onto to suggest that whilst the Green Space

Audit and Report sets out the provision of amenity open space in Hall Farm and Chapelgarth as being below the city's average, it is noted that conversely the surrounding neighbourhoods of Moorside, Silksworth, Tunstall and Burdon and Doxford are classified as above average, above average, high and very high in terms of quantities of amenity green space respectively.

In terms of the quality of the area of space in question, on its own, it is considered to offer very little functionality or benefit other than an ancillary space used in conjunction with the pub, which has a beer garden / outdoor space that conjoins the land. Due to the fact that there is a significant amount of similar land in very close proximity, including a 40m wide swathe of green space that will remain between the site and the front of the dwellings in High Tree Close, it is concluded that the loss of a small amount of the open space will not detract from the character and feel of this area and as such is acceptable in this instance.

With regards the provision of new housing Policy H1 of the UDP sets out the general criteria for this and Policy H8 provides the context for considering housing proposals that come forward as 'windfall' sites (i.e. sites not previously identified as being available for housing). Reflective of the presumption in favour of sustainable development set out by paragraph 11 of the NPPF, policies R1, R2 and R4 of the UDP guide the LPA's agenda on encouraging sustainable forms of development, in terms of the accessibility of the site and the functionality of a development. In terms of location and access to schools, services and transportation infrastructure, the site is considered to be well placed, close to both Hall Farm School and the local shopping area, which is clustered around the Doxford Morrison's store, with access to public transport being readily available from here. Furthermore, the site is close to the employment opportunities at Doxford International Business Park and the A19 trunk road, which provides strong links to the wider surrounding area.

For the above reasons, it is considered that the principle of redeveloping this site for residential purposes is acceptable and that the proposals accord with the aforementioned NPPF and UDP Policies.

## 2. Design and amenity

Chapter 12 of the new NPPF places a greater emphasis upon achieving well designed places than previously, with paragraph 124 therein stating that "the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and help make development acceptable to communities" On a local level, UDP Policy B2 reflects this principle, stating that the scale, massing, layout and/or setting of new developments should respect and enhance the best qualities of nearby properties and the locality.

The existing public house was constructed in the late 1970's, formerly a social club becoming a licensed bar in 1989. The building is of no historic interest, and low architectural interest and its demolition is therefore acceptable in principle. As set out earlier in the report, the replacement of the existing building with new residential development is considered appropriate to the location. In its originally submitted form however, a number of concerns were raised, primarily to do with the relationship between the dwellings to the west way and the Aldi store and also with the way that the dwellings to the east "turned their backs" on the existing dwellings on High Tree Close. Following discussions with the agents, the scheme has been revised accordingly, resulting in the units to the east being reoriented so that they front onto High Tree Close, which helps create a sense of place around the remaining open space area, it now becoming much more of a focal point. Doing this has also resulted in these units being able to move further east, as there is only a resultant need for the smaller front garden elements now along this elevation as opposed to the larger back gardens, which have now moved into the central core of the site. Another positive

outcome that has resulted from this is that it has meant that the units to the west have also been able to be moved further into the site, resulting in a greater separation distance between these and the Aldi store. As a consequence of this, the acoustic fence has then been able to be reduced in height from 3.5m to 3m. On the whole these changes, along with some alterations to some of the housetypes are now considered to result in the provision of a proposal that is visually attractive, as a result of good architecture, layout and appropriate and effective landscaping and as such, is considered to be in accordance with both the NPPF and UDP Policies.

### 3. Highway considerations

Policy T14 of the UDP states that new development proposals must not result in conditions which are prejudicial to highway and pedestrian safety, whilst policy T22 requires proposals to be afforded an appropriate level of dedicated vehicular parking. The proposal is accompanied by a Transport Statement which concludes that overall the development proposals are accessible by sustainable transport, has satisfactory access arrangements and would not have any significant impact on the surrounding transportation network. Having reviewed the statement and considered the proposed layout, Transportation Engineers suggested a number of minor alterations to the layout, which have been incorporated to their satisfaction

With regards visitor parking, it should be noted that only 5 spaces are provided. A relaxation can be provided in this instance however, as a number of plots have double-width driveways, which allows a greater amount of off-street parking than normal.

To conclude, for the reasons given above, the proposed layout is considered to be acceptable from a highways perspective and in accordance with the aforementioned relevant Policies.

### 4. Environmental Factors - Drainage and flooding, Noise, contamination etc.

#### Drainage and flooding

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

The NPPF requires an appropriate assessment to be made of any flood risks relating to proposed developments. The aim of the assessment is to ensure that the development is not at risk from flooding and does not increase flood risk elsewhere.

Accordingly, a Flood Risk Assessment Drainage report was submitted in support of the application which has been reviewed by the Lead Local Flood Authority (LLFA). The drainage solutions proposed therein for the site, including the provision of permeable block paving in the parking areas and attenuation of the surface water runoff from the site are considered to be acceptable

#### Noise

Paragraph 180 of the NPPF states (in part) that planning decisions should aim to;

- o avoid noise giving rise to significant adverse impacts on health and the quality of life.

Reflective of this is UDP Policy EN6 which states that, where noise sensitive development is proposed which is likely to be exposed to unacceptable levels of noise or vibration from sources



such as roads and railways, the applicant should carry out an assessment of the nature and extent of likely problems and to incorporate suitable measures in the design of the development.

A noise assessment has been undertaken by Apex Acoustics in respect of the proposals. The main noise source is identified as fixed plant and machinery at the rear of the Aldi store, which is measured in exceedance of the background noise level which is likely to cause a significant adverse impact.

The initial report concluded that in order to achieve a satisfactory level of amenity for occupiers, it would be necessary for the rear gardens of the dwellings that face onto the Aldi store would need to have a 3.5m high Acoustic fence erected. Whilst this would resolve the issue, a fence of such a height is somewhat unusual. Indeed, such a height could appear overbearing and oppressive when viewed from the rear of these properties and gardens, once occupied. However, as explained in the earlier design and amenity section, the layout of the scheme has been revised during the consideration of the proposals, which has resulted in the rear of these dwellings moving a further 2m away from the Aldi store. This has in turn enabled the acoustic fence to be lowered in height to 3m, which is considered to be more acceptable than the original proposition.

Subject to the imposition of a condition to ensure such a fence is erected and maintained thereafter, the proposed dwellings will be unlikely to be exposed to unacceptable levels of noise or vibration and will comply with UDP Policy EN6 and paragraph 180 of the NPPF.

#### Ground Conditions

Paragraph 178 of the NPPF requires planning decisions to ensure that the site is suitable for its new use taking account of ground conditions and any risks arising from land instability and contamination.

Policy EN14 of the UDP requires the applicant to carry out adequate investigations to determine the nature of ground conditions below. Where the degree of instability, contamination, or gas migration would allow development subject to preventive, 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.

Accordingly, the application is accompanied with a ground investigation and it is recommended that standard conditions are imposed to ensure that construction works are undertaken in a satisfactory manner. During construction, in order to ensure the environmental impact of the construction and demolition of the existing building is adequately managed and mitigated and in the interests of the amenity of nearby residents/occupiers in the vicinity of the site, it is recommended that a condition be attached to any granted consent which requires the provision of a Construction Environmental Management Plan. The CEMP should include details of how noise, lighting, dust and other airborne pollutants, vibration, smoke, and odour from construction work will be controlled and mitigated.

To conclude environmental matters, for the reasons set out above, the application is considered to accord with all relevant policies and criteria.

#### Other Considerations (including legal agreements)

##### Affordable Housing

Chapter 6 of the NPPF requires local planning authorities to deliver a wide mix of housing, including identified affordable housing needs. Policy CS4.3 of the draft Core Strategy relates to housing needs, and normally requires 10% affordable housing, which would equate to 2 units to

be provided on site. The agent has advised that 2no of the 2 bedroom dwellings will be offered for sale at a reduced market rate in accordance with the requirements of Sunderland City Councils affordable housing team. (i.e. 75% reduction). Officers in the Housing Strategy Team have confirmed that this is acceptable and as such, the delivery of this requirement can be made by the applicant entering into a Section 106 legal agreement.

### Play Space

As members are aware, UDP policy encourages developers to locate equipped, Children's play areas within new residential development wherever possible. However, it was not considered that the location of a play area within the site is appropriate. Good practice indicates that play areas should be located centrally within new developments to ensure easy access to the areas for all surrounding occupiers. The developer has therefore agreed to provide a financial contribution, of (19 x £701) £13,319:00 as a Section 106 contribution, for the provision of new play facilities or the improvement of existing play facilities where appropriate within the Doxford Ward, with funds being utilised to support on-going maintenance of the play facilities. This off site provision is considered acceptable and as such complies with policy H21 of the Unitary Development Plan.

### CONCLUSION

Having fully considered the application submission, the Local Planning Authority considers the proposals represent the good re-use of a brownfield site, which is situated in a sustainable location. Whilst a small (0.1 Ha) of open amenity space will be lost in order to facilitate the development, the applicant has been able to provide a reasoned justification for this which is accepted. Indeed, the loss of such a small amount is not considered to detract from the character and feel of this area and as such is acceptable in this instance.

As such, it is therefore recommended that the application should be delegated to the Executive Director of Economy and Place for approval, subject to the completion of an appropriate agreement under s106 of the 1990 Town and Country Planning Act to ensure the provision of 2 units of affordable housing and a contribution of £13,319:00 towards the provision and maintenance of equipped play in Doxford and the imposition of the draft conditions as 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:-

- o age;
- o disability;
- o gender reassignment;
- o pregnancy and maternity;
- o race;
- o religion or belief;
- o sex;
- o 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:** DELEGATE to the Executive Director of Economy and Place, who is minded to Grant Consent subject to the draft conditions set out below and the completion of an agreement under Section 106 of the Town and Country Planning Act 1990 (as amended).

### **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 and documentation:

- o AL(90) 0100 Existing Site Layout
- o AL(90) 1000 Location Plan
- o AL(90) 0200 REV B Site plan
- o AL(90) 0300 REV A Landscape Plan

- o AL(90) 0100 House Type A Plan
- o AL(90) 0110 House Type A Elevations
- o AL(90) 0200 House Type B Plans
- o AL(90) 0210 House Type B Elevations
- o AL(90) 0220 House Type BA Plans
- o AL(90) 0230 House Type BA Elevations
- o AL(90) 0300 House Type C + D Ground Floor Plans
- o AL(90) 0310 House Type C + D First Floor Plans
- o AL(90) 0320 House Type C + D Elevation
- o AL(90) 0330 House Type CA + DA Plans
- o AL(90) 0340 House Type CA + DA Elevations
- o AL(90) 0400 REV E House Type E Plans
- o AL(90) 0410 REV E House Type E Elevations
- o AL(90) 0420 House Type F Elevations
- o AL(90) 0500 House Type F Plans
- o AL(90) 0500 Site Section / Acoustic Fence Details

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 Prior to the commencement of works, the following details shall be submitted to and agreed in writing by the Local Planning Authority: Samples of all external materials and finishes, comprising roof cladding, wall facing materials, window glass, door and window frames (including a colour schedule), decorative features and rainwater goods etc. Sample panels of brickwork, demonstrating the colour, texture, face bond and pointing. Thereafter, the development shall not be carried out other than in accordance with the approved details; in the interests of visual amenity and in order to comply with policies B2 of the Unitary Development Plan.

4 Notwithstanding any indication of materials which may have been given in the application, no works shall take place until a drawing showing full elevational and sectional details of all boundary walls / railings throughout the site together with a method statement for these works have been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, this Method Statement shall include full details of mortar mixes and lime pointing to walls. Thereafter, the development shall not be carried out other than in accordance with these approved details; in the interests in the interests of achieving a satisfactory form of development and to comply with policies B2 and B4 of the Unitary Development Plan.

5 Prior to the construction of the development above Damp-Proof-Course level, full details of both hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, these details shall include vehicle and pedestrian access and circulation areas, hard surfacing materials, and structures. All works shall be carried out in accordance with the agreed details, in the interests of visual amenity and to comply with policy B2 of the UDP.

6 All 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 UDP.

7 The development hereby approved cannot commence until a detailed scheme for the disposal of 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 and the Lead Local Flood Authority. Thereafter the development shall be undertaken in complete accordance with these details, in order to prevent any increased risk of flooding from any sources in accordance with the NPPF and Policies EN11 and EN12 of the Unitary Development Plan.

8 Prior to the installation of any external lighting, the exact siting, aspect and levels of lighting should be submitted to and approved in writing by the Local Planning Authority. Thereafter, development shall not be carried out other than in accordance with the approved details; in the interest of protecting any existing and new bat roost sites and to comply with policy CN22 of the UDP.

9 Prior to the occupation of the development a 3m acoustic barrier (as illustrated in dwg no. AL(90) 0500 and described in the 17th October 2018 addendum to the submitted Acoustic Design Statement 6677.1 prepared by Apex Acoustics) shall be installed to the gardens on the western boundary of the site. The barrier must be constructed from a material that has a surface density of at least 15kg/m<sup>2</sup> and an acoustically absorbent facing to the western side (facing Aldi). The panels shall be rigidly mounted and there shall be no gaps between adjacent panels, or the barrier and the ground. In addition, all other rear garden facing throughout the development shall have a surface density of at least 10 kg/m<sup>2</sup>. Once installed, all fencing / barriers shall then be retained and maintained for the life of the development, in order to protect the amenities of the occupiers of the development and to comply with Policies EN6 and EN7 of the Unitary Development Plan.

10 None of the dwellings hereby approved shall be occupied until the access to the site and internal road and footpath layout has been laid out to at least base course level, including the five no. visitor parking spaces (shown on dwg no AL (90) 0200 Rev B) unless otherwise agreed in writing with the City Council as Local Planning Authority. These visitor car parking spaces shall then be made freely available for such use at all times and shall be used for no other purpose, in the interests of highway safety and to comply with policy T14 of the UDP.

#### 11 CEMP Construction Environmental Management Plan

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:

- o Procedures for maintaining good public relations including complaint management, public consultation and liaison;
- o Arrangements for liaison with the Council's Pollution Control Team;
- o 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;
- o Hours of construction, including deliveries;
- o Control measures for dust and other air-borne pollutants;

- o Measures for controlling the use of site lighting whether required for safe working or for security purposes;
- o Erection and maintenance of security hoarding;
- o Operation, loading and unloading of plant and materials;
- o 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.

12 Before the development hereby approved is commenced details of the timetable and means of demolition shall be submitted to and approved by the Local Planning Authority. All works shall be carried out in accordance with the agreed details in order to protect the amenities of the area and to comply with policies B2 and CN22 of the Unitary Development Plan.

13 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 until conditions number 14 to number 16 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 17 has been complied with in relation to that contamination.

14 Unless otherwise agreed in writing by the Local Planning Authority development must not commence until an investigation and risk assessment, 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, ground waters 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.'

15 Unless otherwise agreed by the Local Planning Authority, development must not commence until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment 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.

16 The remediation scheme approved under Condition number 15 (Submission of Remediation Scheme) 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.

17 In the event that contamination is found at any time when carrying out the confirmed 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 14 (Investigation and Risk Assessment), and when remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition number 15 (Submission of Scheme of Remediation), 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 16 (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.

18 Notwithstanding the provisions of the current Town and Country Planning General Permitted Development Order, other than the approved details, no gates, fences, walls or other means of enclosure shall be erected beyond the forwardmost part of the front wall of the dwelling houses on the eastern side of the site without the prior written consent of the Local Planning Authority. For the avoidance of any doubt, the front walls of these properties is considered to be the eastern facing elevation, fronting onto the dwellings in High Tree Close. This requirement is in order that the Local Planning Authority may retain control over the development and to comply with policy B2 of the Unitary Development Plan.

Reference No.: 18/00825/FUL Full Application

Proposal: **Change of use of vacant building to 50 residential units**

Location: Tatham Street Hostel, 3 Tatham Street, Sunderland, SR1 2QD

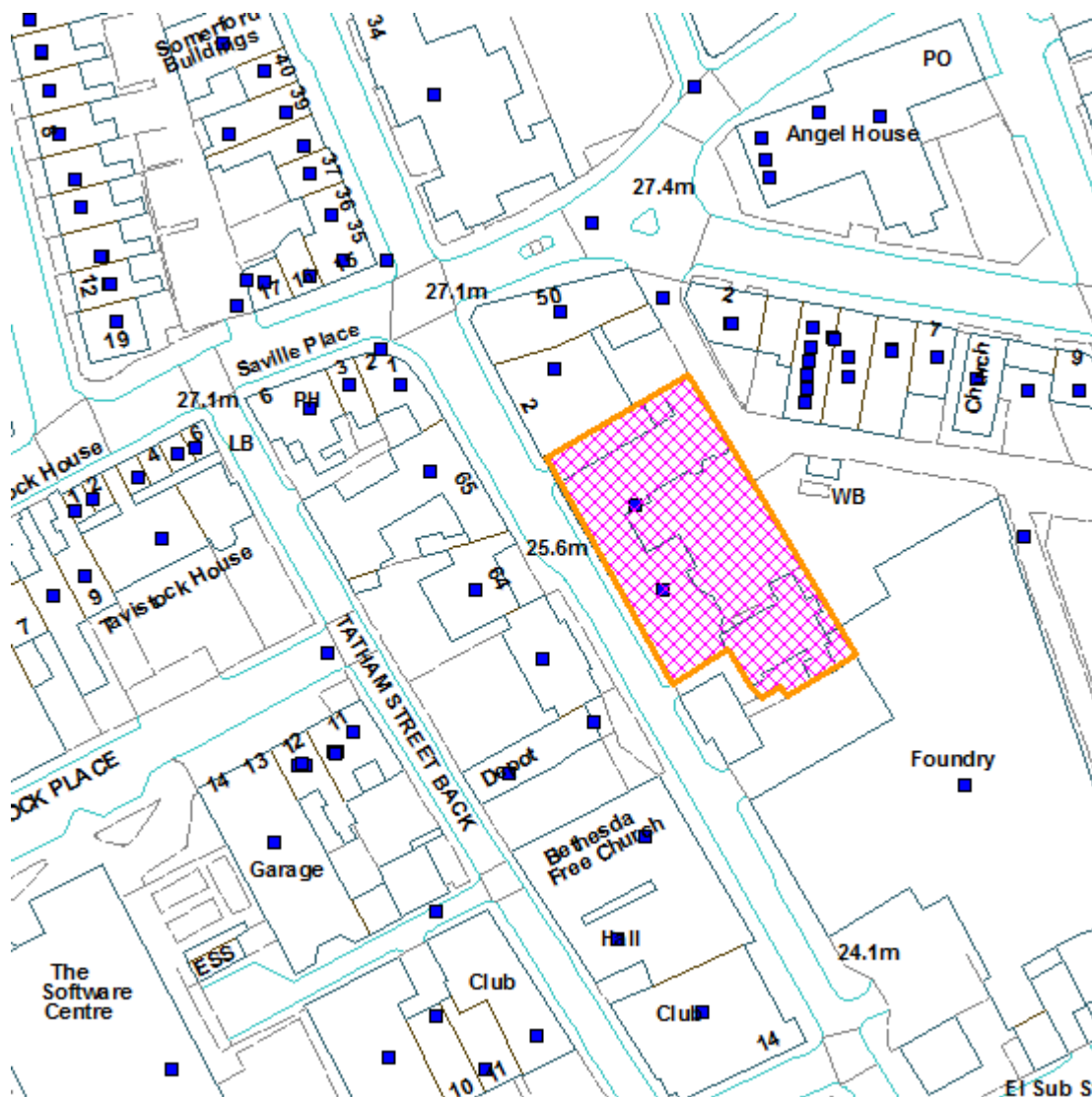
Ward: Hendon

Applicant: Camrex House Ltd

Date Valid: 23 May 2018

Target Date: 22 August 2018

### Location Plan



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## **PROPOSAL:**

The application being considered is for the conversion of the former 79 no. bedroomed hostel to provide 50 no. 1 bedroomed apartments, in the Tavistock part of Sunnyside Conservation Area which is within the City Centre. It lies to the east of Mowbray Park and many of the city centre retail and leisure facilities. The property itself comprises a substantial three storey brick building surmounted by a series of pitched tiled roofs with an open amenity area to the rear, which backs onto a rear lane. A high brick boundary enclosure contains this area. The character of the surroundings is mixed taking into account the city centre location, although it is noted that this building and those adjoin and opposite form a small cluster of attractive historic buildings, which continue round onto Borough Road.

Records show that the site has been used for a number of other uses over the years, such as a Girls Reformatory, Seaman's Mission and Church, and a Paint Works. In more recent years, Members will recall that the building was in use as hostel accommodation for homeless people until its acquisition by Homes England. The property has then been advertised on the open market since April 2014, with a view to bringing the premises back into use in a way that will complement the planned regeneration of the Sunnyside area as set out in the Sunderland Central Area Urban Design Strategy and the Sunnyside Planning and Design Framework. A potential purchaser has now come forward, resulting in the submission of this planning application, which has been advertised accordingly by way of site and press notice and neighbour notifications. Members may recall a Members site visit, which took place on 26 September 2018.

## **TYPE OF PUBLICITY:**

Press Notice Advertised  
Site Notice Posted  
Neighbour Notifications

## **CONSULTEES:**

Southern Area Command - Police  
Network Management  
Hendon - Ward Councillor Consultation  
Environmental Health  
Fire Prevention Officer  
Southern Area Command - Police

Final Date for Receipt of Representations: **25.06.2018**

## **REPRESENTATIONS:**

Public Consultation

Two letters of objection were received as a result of the neighbour notification exercise. One was received from a resident querying who the occupiers of the apartments would be and expressing concern over the lack of car parking provision. The 2nd letter was received from Sunderland BID, who said they did not want to see the property in use as a House in Multiple Occupation (HMO)

Consultees

With regards Statutory consultees, the following comments / observations were received:-

Tyne and Wear Fire Authority  
No Objections

County Archaeologist

Having conducted an inspection of the building with the case officer and one of the Councils Conservation Officers, the County Archaeologist is satisfied that no further archaeological work is required.

## **POLICIES:**

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

B2 - Scale, massing layout and setting of new developments

B4 - Development within conservation areas

B6 - Measures to preserve and enhance conservation areas

EN1 - Improvement of the environment

EN10 - Proposals for unallocated sites to be compatible with the neighbourhood

EN12 - Conflicts between new development and flood risk / water resources

EN14 - Development on unstable or contaminated land or land at risk from landfill/mine gas

H18 - Proposals for provision/ conversion of dwellings for multiple occupation

SA55 - "City Opportunity Site" on land at Livingstone Road/ Beach Street

T14 - Accessibility of new developments, need to avoid congestion and safety problems arising

T22 - Parking standards in new developments

## **COMMENTS:**

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

- o Principle of Development
- o Impact upon the Conservation Area
- o Residential amenity.
- o Highways and car parking.
- o Flood Risk and Surface Water Drainage
- o Land Contamination.
- o Planning Obligations.

### **1. Principle of Development**

On a national level, the NPPF sets out the Governments planning policies for England and how these should be applied. Paragraph 7 explains that the purpose of the planning system is to contribute to the achievement of sustainable development; i.e. meeting the needs of the present without compromising the ability of future generations to meet their own needs. Paragraph 38 then advises that Local Planning Authorities should approach decision making in a positive and creative way and should seek to approve applications for sustainable development wherever possible. Chapter 12 relates to achieving well designed places and advises that planning should always seek to ensure that developments "will function well and add to the overall quality of the area" and "optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development" "with a high standard of amenity for existing and future users" Paragraph 130, meanwhile, states that "planning permission should be refused for development

of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions".

Chapter 16 of the NPPF is also particularly relevant in the consideration of the merits of the proposals, as this relates to conserving and enhancing the historic environment. Paragraph 192 therein states that in determining planning applications, local planning authorities should take account of:

- (a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- (b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- (c) the desirability of new development making a positive contribution to local character and distinctiveness.

From a local perspective, as mentioned earlier in the report, the Tavistock area is covered by a number of specific policies / documents. Firstly, Sunnyside is identified in the UDP Alteration (no. 2) as a strategic Location for change and Policy SA55B.1 is applicable. This states -

The City Council will encourage the continued development of the Sunnyside area as a lively, mixed-use, urban quarter with a high quality physical environment. The following uses already contribute significantly to the character of the Sunnyside area, and should remain predominant.

- A2 Financial and professional services
- A3 Restaurants and cafes
- A4 Drinking establishments
- B1 Business
- C3 Housing

Building from this, the Sunnyside Planning and Development Framework SPD was developed and adopted by the Council in July 2008. Within this is the East Sunnyside Masterplan, which identifies the Tavistock area as one of three key character areas. Specific reference is made to Tatham Street and the historic importance of the remaining older built form in this area. The location is also seen as being advantageous due to Tatham Street lying on a key north-south public transport corridor.

In terms of the future prospects for the area, this SPD goes on to suggest that there is great potential to create a sectoral shift away from industrial and warehousing uses that are evident in the area. With the correct planning, there is an opportunity to restore residential uses in close proximity to the city centre in this location by reusing the attractive buildings around Tatham Street / Borough Road, which in turn could help provide confidence for further investment to occur, resulting in a vibrant mixed-use area incorporating live-work spaces and residential units. Whilst these planned changes have clearly been slower in materialising than originally envisaged due to the economic downturn around 10 years ago, it is still the aspiration of the Council to achieve this. The strategy goes on to state that the delivery of this vision for Sunnyside will require commitment from the promoters of regeneration and the City Council as part of the planning process, and also from the development industry and its technical partners. The applicant in their submission has made a clear commitment to investing in the property and is "buying into" the wider vision for the area. It is also evident at the time of writing the report that further investments are being made nearby with the Angel (Crown) House towerblock currently undergoing refurbishment / conversion. It is hoped that these market signals indicate the beginnings of the much-needed investment in the area, and they should be welcomed. To conclude, the principle of

the redevelopment of the property for residential purposes is considered to be acceptable and in accordance with the aforementioned policies and guidance.

## 2. Impact upon the Conservation Area

In Conservation Areas, UDP Policy B4 is applicable, which states all development within and adjacent to Conservation Areas will be required to preserve or enhance their character or appearance. To this end the council will issue planning/design guidance for the various areas from time to time. To this end, in addition to the aforementioned SPD, the Sunnyside Conservation Area Character Appraisal and Management Strategy (CAMS), was adopted in 2009, which extended the Conservation Area to include Tavistock area in which this application lies. The CAMS describes the character of the area around the site as being largely derived from a number of substantial red-brick buildings of architectural merit and historic significance, many of which have seen a number of uses in their lifetimes and this has given them interesting and varied histories. The CAMS goes on to say that there is an air of neglect and dilapidation in parts of the area which causes the townscape to become disjointed. Some of these larger historic buildings however, represent an exciting opportunity to stitch the urban fabric back together with high quality development schemes. The Tatham Street/Villiers Street sub-area is of significant historical interest and there should be a presumption in favour of the retention of buildings of historic interest, including those buildings that are not protected by Listing.

On the whole the scheme demonstrates a sensitive approach to the conservation and adaptation of the historic building. Externally the appearance of the building will be improved somewhat, including improvements to the rear open space, which lies neglected and overgrown. During an inspection of the building by the case officer, accompanied by the Councils Senior Conservation Officer and the County Archaeologist, it became apparent that the main element of surviving historic materials were the timber windows, with most of the other interior features having been lost in the past as a result of insensitive conversion works. With this in mind, it has been agreed with the applicant that an attractive stained glass window to the side yard (north) of the building should be retained along with the windows to the front of the property, most of which will need to be repaired. Suitable repair solutions could include introducing secondary glazing or installing slimline double glazed units into the existing window frames. Whilst the rear of the property also featured historic sliding sashes, these are in varying condition and it would be difficult to retain all of these and unviable to replicate, which would result in a mishmash of styles that would not appear aesthetically pleasing. As such, it is considered appropriate in the circumstances that a window schedule is prepared for consideration and approval by the Councils Built Heritage Team, which details the retention and repairs to the front elevation and provides a schedule for the rear showing the wholesale replacement of the existing with an operational PVC sliding sash. This can be secured via the imposition of an appropriately worded condition, should Members be minded to approve the application.

Overall, the proposals are considered to enhance the character and appearance of Sunnyside Conservation Area through the preservation and sustainable re-use of a key and attractive historic building. The proposals therefore accord with NPPF paragraphs 192 and 200 and are thus acceptable, subject to the agreement of full details of the chosen approach towards the treatment of the windows, as described above.

## 3. Residential amenity.

Policy B2 of the UDP dictates that the scale, massing, setting and layout of new developments should respect and enhance the best qualities of nearby properties and the locality and retain acceptable levels of privacy. As an expansion of the requirements of UDP policy B2, the Council has produced the Residential Design Guide Supplementary Planning Document (SPD), which

sets out the relevant spacing standards and design criteria. In terms of the inter-relationship between the site and surrounding properties, the proposed use of the building as residential apartments will not result in any reduction of the separation standards that already exist as no new-build is proposed. Furthermore, as explained earlier in the report, the UDP Alteration no2 and the Sunnyside SPD both indicate that the re-introduction of residential uses into this particular area should be welcomed.

It is noted however, that 2 representations have been received in respect of how the building will be operated, both incorrectly assuming that the property will be continuing to operate via its current use, which is that as a House in Multiple Occupation (HMO). As mentioned earlier, the property has had a long history as being used a hostel for homeless persons and in latter years it is understood that this gave rise to incidences anti-social behaviour in the locality. The current proposals however, see a marked move away from such an operation, which generally comprised of individual bedsitting rooms, with self-contained showers and toilets. The new proposal provides a high standard of individual apartments, each with its own kitchen, living room, bathroom and bedroom. The applicant has delivered a number of other schemes in the city centre, albeit containing a smaller number of units, all of which offer a good standard of living accommodation. In terms of the offer, the applicant is aiming the accommodation primarily towards young professionals and is confident that he will be able to let to such a market. In order to provide reassurance over the quality of their offer a supporting statement has been submitted which provides information about the nature of their business and their other property portfolio. Taking this into consideration, the proposal is considered to make a positive contribution to the area and offers apartments of a good size and quality, which could help bring about change in fortunes in the area. Whilst the concerns raised by objectors are noted, it should be noted that subject to gaining planning permission, the applicant has confirmed with Homes England, the current owner that they would be willing to acquire the premises with a restrictive covenant which would restrict any future Hostel and HMO uses.

As such, it is not considered that the conversion of the building into apartments will give rise to any harm to the amenities of existing residents nor the potential occupiers and is considered to be in accordance with the relevant UDP Policies and guidelines in this regard.

#### 4. Highways and car parking.

UDP Policy T14 aims to ensure that new developments are easily accessible to both vehicles and pedestrians, should not cause traffic problems, should make appropriate provision for safe access by vehicles and pedestrians and indicate how parking requirements will be met. In addition, the Sunnyside SPD advises that on street parking will generally be discouraged throughout the Masterplan area as street widths are narrow.

When assessed against the above criteria, the scheme as originally submitted provided 6 no off-street parking spaces. Whilst there is no parking provision standard for developments in the city centre, due to their sustainable location, close to places of work and well-connected in terms of public transport links, concerns have been raised by an objector and also Members at their site visit that this amount of parking for the amount of development proposed could give rise to parking problems in the future, particularly if the apartments do become occupied by more upwardly-mobile young professionals, who may be more likely to own a car. To this end, the scheme has been revised in order to increase the off-street parking provision to 16 no. Such an amount is considered to be more appropriate in this instance, particularly when considering the number of apartments proposed and as such is welcomed. Highways engineers have also recommended that should Members be minded to approve the application, a condition be imposed for a Parking Management Plan to be agreed, which could include options for purchase of City Centre Residential Permit Parking but also include travel and accessibility options such as

promoting walking, cycling and use of public transport. With such measures in place, the proposal is considered to be acceptable and in accordance with Policy T14.

#### 5. Flood Risk and Surface Water Drainage

Paragraph 163 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.

Policies EN11 and EN12 of the UDP require appropriate protection measures to be incorporated in development proposals within areas at risk of flooding and require the LPA, in conjunction with the EA, to ensure that proposals would not impede the flow of flood water, increase the risk of flooding or adversely affect the quality or availability of ground or surface water.

Accordingly, the application is accompanied by a drainage assessment which confirms that current connections are to continue to be used as per the existing arrangement. As the proposal is going to result in a reduction of occupiers than its last use, the proposal is generally considered to be acceptable and in accordance with the aforementioned policies, provided final surface water drainage details of the rear amenity / parking area are agreed. This can be achieved via the imposition of a condition, should Members be minded to approve the application.

#### 6. Land Contamination.

Paragraph 178 of the NPPF requires planning decisions to ensure that the site is suitable for its new use taking account of ground conditions and any risks arising from land instability and contamination.

Policy EN14 of the UDP relates to the ground conditions and states in part that:

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

(ii) contaminated or potentially at risk from migrating contaminants;

(iii) potentially at risk from migrating landfill gas or mine gas

The Council will require the applicant to carry out adequate investigations"

Due to the long and varied history of the premises, including that as a Paint Works, Environmental Health has accordingly requested that a desk top study and Phase 2 site investigation be undertaken, which have now been reviewed. Since it is not proposed use site soils within landscaped areas on the site, the concentrations identified in the report are not considered to be significant since they are non- or semi-volatile. As the only groundworks will be to resurfacing works to create an amenity / car parking area it may be prudent for the applicant to incorporate a watching brief undertaken by a suitably qualified engineer to determine of any unforeseen contamination that may be present. Should any unidentified contamination be found, this will have to be reported to the Council so that Environmental Health can advise accordingly. Such requirements can be controlled via the imposition of an appropriately worded condition, should Members be Minded to approve the application.

#### 6. Noise

Paragraph 180 of the NPPF states (in part) that planning decisions should aim to;

\* avoid noise giving rise to significant adverse impacts on health and the quality of life.

Reflective of this is UDP Policy EN6 which states that, where noise sensitive development is proposed which is likely to be exposed to unacceptable levels of noise or vibration from sources

such as roads and railways, the applicant should carry out an assessment of the nature and extent of likely problems and to incorporate suitable measures in the design of the development.

Due to the property adjoining a long-standing aluminium foundry operated by Specialist Castings Ltd a noise assessment has duly been undertaken by ADC Acoustics in respect of the proposals. The report found that during most of the day, the main source of noise was coming from the immediately surrounding roads, with some faint noise was just audible from the foundry for most of the normal working day. However, between approximately 12:30 and 15:30, there was significant noise from the foundry, probably from an extraction fan or compressor.

The report concludes that provided its recommendations for sound insulation are followed, it will be straightforward to mitigate against the noise to meet the relevant BS8233 criteria.

Subject to the imposition of a condition to achieve this, the proposed apartments are unlikely to be exposed to unacceptable levels of noise or vibration and will comply with UDP Policy EN6 and paragraph 180 of the NPPF and as such are considered to be acceptable in this regard.

## 7. Planning Obligations.

### \* Children's Play and Open Space Provision

Policy H21 of the adopted UDP requires that new residential development makes appropriate provision of open space and provision for children's play. If provision is not to be made on site then it may be appropriate to make a financial contribution under s106 of the 1990 Town and Country Planning Act, towards provision nearby off-site. In this instance it is not considered necessary for a contribution to be made, due to the apartments being one bedroomed and consequently, no children will be occupying the premises.

### \* Affordable Housing Provision

Following the completion of the city's Strategic Housing Market Assessment the council has sought to achieve 10% of units on new residential developments on affordable tenures (social rented, equity sharing etc.) in line with the requirements of policy H16 in order to meet local needs. This would equate to 5 affordable units on site.

In this instance, however, it is not considered to be appropriate to accept units on site, as it is unlikely that a Registered Provider of housing would manage individual units within the building. There is also a concern that mixing the tenure in this instance could weaken the potential offer that the property will have once complete and as such, consideration has been made as to whether or not it would be possible to make provision off site. The applicant has submitted confidential viability information in this regard however, which demonstrates that the project costs do allow for any such provision to be made. Having reviewed this information, Officers are of the view that the majority of the assumed cost and value projections are acceptable on a hypothetical basis and as such it is accepted that the development cannot sustain any additional 'desirable' costs in the form of S.106 contributions.

## CONCLUSION.

Having fully considered the proposals, the Local Planning Authority considers the proposals will enhance the character and appearance of Sunnyside Conservation Area through the conservation and sustainable re-use of a key historic building. The proposals accord with NPPF paragraphs 192 and 200 and the Sunnyside SPD and CAMS and are thus acceptable.

As such, it is therefore recommended that the application should be approved accordingly, subject to the imposition of the draft conditions as 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:-

- o age;
- o disability;
- o gender reassignment;
- o pregnancy and maternity;
- o race;
- o religion or belief;
- o sex;
- o 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 draft conditions listed below:

**Conditions:**

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

2 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:

- o 1524-100(P) Site Location Plan
- o 1524-101(P) Existing Floor Plans
- o 1524-102(P) REV D Proposed Ground Floor Plan
- o 1524-103(P) REV D Proposed First Floor Plan
- o 1524-104(P) REV D Proposed Second Floor Plan
- o 1524 105(P) REV E Proposed External Areas

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 Prior to the commencement of works a window schedule (including section drawings and repair details) is to be agreed in writing with the Council. The schedule should detail the retention and repairs to the windows in the front elevation and, for the rear, show the wholesale replacement of the existing windows with an operational PVC sliding sash in order to comply with Unitary Development Plan Policy B4

4 CEMP Construction Environmental Management Plan

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:

- o Procedures for maintaining good public relations including complaint management, public consultation and liaison;
- o Arrangements for liaison with the Council's Pollution Control Team;
- o 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;
- o Hours of construction, including deliveries;
- o Control measures for dust and other air-borne pollutants;
- o Measures for controlling the use of site lighting whether required for safe working or for security purposes;
- o Erection and maintenance of security hoarding;
- o Operation, loading and unloading of plant and materials;
- o 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.

5 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping and treatment of hard surfaces. For the avoidance of doubt, this shall include;  
Details and location of all planting, which should only comprise of self-contained raised planters, in the interests of visual amenity and to ensure a satisfactory form of development is achieved and in order to accord with Policy CN17 of the Unitary Development Plan.

6 In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it shall be reported, in writing, immediately to the Local Planning Authority and all works shall cease on site until an investigation and risk assessment and, when remediation is necessary, a remediation scheme has been submitted to and approved, in writing, by the Local Planning Authority. The development shall then be carried out in accordance with the approved details, in order 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 and paragraphs 178 to 181 of the National Planning Policy Framework.

7 All other planting 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.

8 The development shall not commence until final details of the foul and surface water drainage have been submitted to and approved by the Local Planning Authority in order to ensure satisfactory drainage to the site and to comply with policy B24 of the Unitary Development Plan.

9 No apartment shall be occupied until a Parking Management Plan for the site has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, this shall include information relating to operation of the parking spaces on site together with options for purchase of City Centre Residential Permit Parking and also include travel and accessibility options such as promoting walking, cycling and use of public transport. Once agreed, the plan shall be implemented and the property managed in accordance thereafter, in the interests of highway safety and in order to accord with Policy T14 of the Unitary Development Plan.

10 No apartment shall be occupied until the bin and cycle storage has been provided in accordance with drawing no 1524-105(P) Rev E, which shall be retained and made available for

each specified purpose thereafter, in order to ensure that adequate and satisfactory provision is made for the parking of cycles and storage of refuse containers, in the interest of visual amenity, the character and appearance of the Conservation Area, highway safety and the free passage of traffic and to comply with policies B2, B4 and T14 of the adopted Unitary Development Plan.

11 Notwithstanding the provisions of the current Town and Country Planning (General Permitted Development) Order, or in any statutory instrument revoking or re-enacting that Order, no satellite antenna shall be installed on the buildings or within the curtilage of the site 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 B4 of the Unitary Development Plan.

Reference No.: 18/01295/FUL Full Application

Proposal: **Erection of a 4no. bedroom dwelling**

Location: Land To The Rear Of Tudor Grove, Sunderland

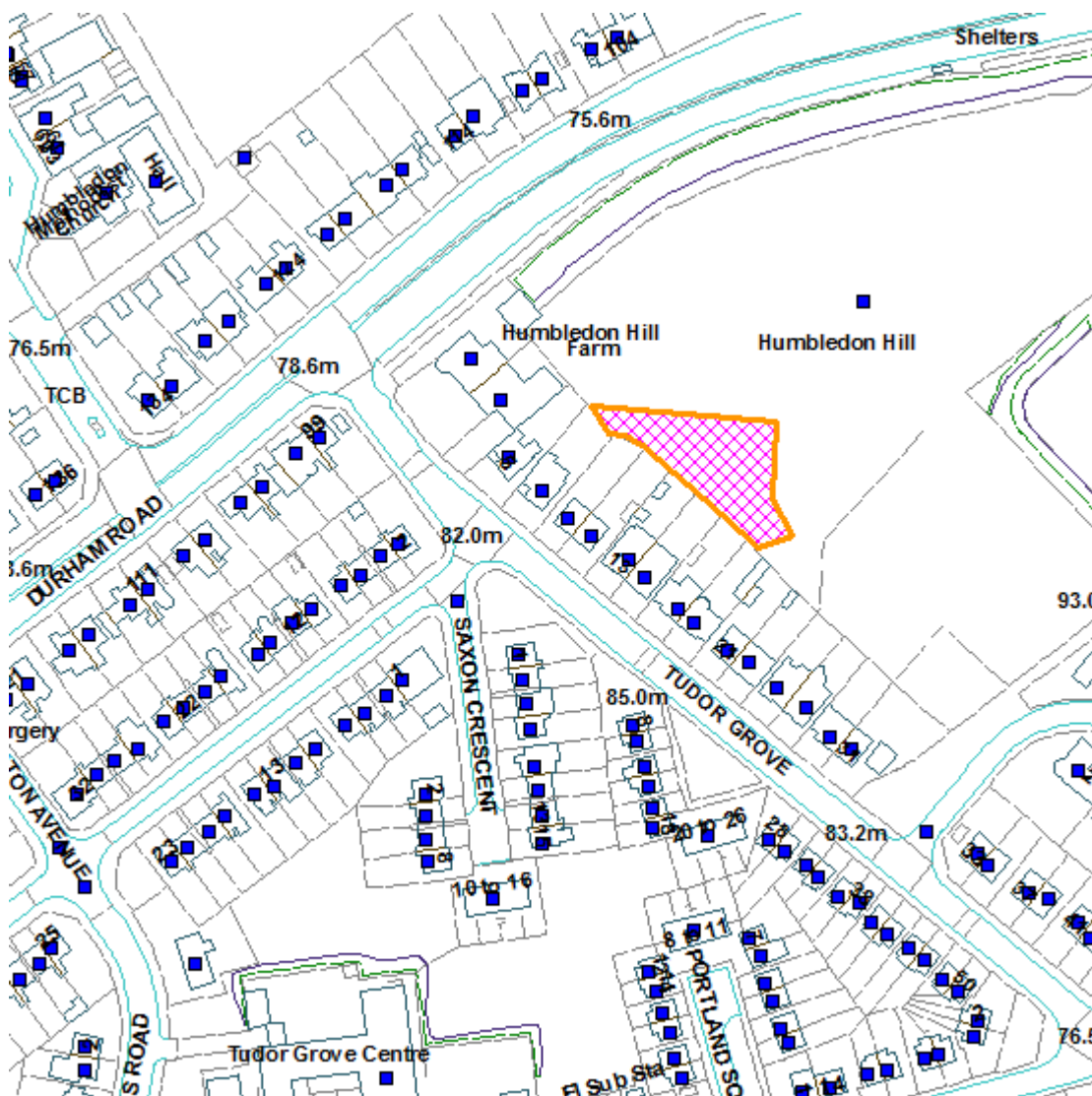
Ward:

Applicant: Marikal Ltd

Date Valid: 7 August 2018

Target Date: 2 October 2018

### Location Plan



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## **PROPOSAL:**

### **SITE DESCRIPTION**

The application site is a plot of land to the rear of 7-19 Tudor Grove that was until recently part of an area of open space bounded by Tudor Grove to the south-west, Alpine Way to the south-east, and Durham Road to the north. The wider site is currently being developed for 8 'executive' dwellings, of a high quality contemporary design, and boasting a number of sustainability features (ref 14/01638/FUL).

The wider development site sits on a small rounded hill known as Humbledon Hill, a well-known local landmark, and occupies the northern slopes of the hill excluding the disused reservoir atop the crown of the hill. The current application site comprises an area that was proposed to be left as Magnesian Limestone grassland and would provide an information board and the visitor car parking spaces, which are now proposed to be located further to the south east as part of application ref. 18/01665/VAR (currently under consideration under delegated powers).

The remaining undeveloped part of the hill is occupied by the remains of a defended settlement of Iron Age date which developed from a Later Bronze Age site; the monument was scheduled under the Ancient Monuments and Archaeological Areas Act 1979 (as amended) in 2011. It was deemed to be of national importance as it is a rare survival of a lowland, coastal hillfort or defended settlement. The scheduled area includes the western half of the defended settlement; to the east, the settlement has been compromised by housing development, gardening activities and the construction of a Victorian reservoir. This area is not included in the scheduling.

The 8-dwelling development includes an access road from Alpine Way across the land adjacent to no. 31 Tudor Grove, wrapping around the hill following the boundary of the scheduled area, and terminating in a turning head adjacent to 24 Alpine Way. A retaining wall will support and define the edge of the scheduled area to the south of this road, whilst the properties are positioned downhill to the north of the new road.

The design concept of the proposal includes the enhancement and management of the remaining open space as magnesian limestone grassland, a habitat defined by the underlying geology of the hill and unique to the magnesian limestone landscapes. The applicant envisages the hill as providing an educational role based on the history, geology and biodiversity of the site.

### **PROPOSAL**

The application relates to the erection of an additional two storey residential property. Similar to the approved dwellings, it is designed around two flat roofed rectangular blocks, one atop and at right angles to the other; the lower one set down and partly cut into the hillside, with the upper block accessed from the new road level. The design of the properties incorporates terraces/balconies and north facing fenestration that will take advantage of the views out from the hill. The flat roofs are proposed to be 'green' roofs as part of the sustainability package proposed.

## **TYPE OF PUBLICITY:**

Press Notice Advertised  
Site Notice Posted  
Neighbour Notifications

## **CONSULTEES:**

Historic England  
Tyne And Wear Archaeology Officer  
Network Management  
Environmental Health  
Northumbrian Water  
Barnes - Ward Councillor Consultation

Final Date for Receipt of Representations: **21.09.2018**

## **REPRESENTATIONS:**

Publicity

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

- Potential overlooking of the windows and gardens of existing properties on Tudor Grove,
- Loss of privacy, both from the development and through construction works,
- Potential harm to the wildlife and biodiversity on the site,
- Potential harm to the scheduled ancient monument,
- Loss of greenspace through the development of the allocated mitigation grassland,
- Overdevelopment of the site, particularly given that the original scheme was limited to 8 dwellings,
- The development will lead to an increase in traffic congestion within the vicinity of the site,
- The re-siting of the visitor car parking spaces being too close to existing residential properties,
- The proposal would set a precedent for a further increase in residential plots,
- Noise, dust and disruption to local residents during ongoing construction works would be exacerbated,
- Vibrations from construction works have caused damage to existing properties,

The latter point is not a planning issue that can be addressed within the context of the current application.

Historic England - no objections

Northumbria Water - no objections

Council's Highways team - no objections

Council's Public Protection and Regulatory Services team - no objections subject to the use of a condition relating to dealing with unexpected contamination

Council's Built Heritage team - no objections

Council's Natural Heritage team - concerns regarding the impact of the development upon protected species and their habitats and the biodiversity of the area.

## **POLICIES:**

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

EN10 - Proposals for unallocated sites to be compatible with the neighbourhood  
B2 - Scale, massing layout and setting of new developments  
B3 - Protection of public/ private open space (urban green space)  
CN18 - Promotion of nature conservation (general)  
CN22 - Developments affecting protected wildlife species and habitats  
T14 - Accessibility of new developments, need to avoid congestion and safety problems arising  
T22 - Parking standards in new developments  
B11 - Measures to protect the archaeological heritage of Sunderland (general)  
B12 - Preservation of scheduled ancient monuments  
B13 - Sites and monuments of local importance affected by development  
B14 - Development in areas of potential archaeological importance  
EN14 - Development on unstable or contaminated land or land at risk from landfill/mine gas

## **COMMENTS:**

### **ISSUES**

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

- o - Principle of development
- o - Archaeology
- o - Design and amenity issues
- o - Highway considerations
- o - Ecology and biodiversity
- o - Ground conditions

### **1. Principle of Development**

The site to which the application relates is not allocated for any specific purpose in the UDP and as such is defined as 'white' land, subject to the provisions of policy EN10. In this regard, given that the surrounding area is predominantly residential in nature, the proposed development accords with the objectives of this policy.

In addition to the above, regard should also be given to the fact that the wider site has previously had planning permission for a residential development scheme and given that local planning policy and site circumstances are not significantly and materially different from the time of granting the former consent, then this is a further material consideration in assessing the proposal.

### **2. Archaeology**

UDP policy B11 states that the City Council will promote measures to protect the archaeological heritage of Sunderland and ensure that any remains discovered will be either physically preserved or recorded.

Policy B12 states that there will be a presumption in favour of the preservation of Scheduled Ancient Monuments and other nationally important archaeological sites. Planning permission for

development which would have an adverse impact on their site or setting will be refused unless exceptional circumstances prevail.

Policy B13 seeks to safeguard sites of local archaeological significance.

Policy B14 of the UDP dictates that the city council will require an archaeological assessment to be submitted as part of a planning application to assess the nature, extent and significance of the remains present and the degree to which the proposed development is likely to affect them.

Given the site's proximity to the scheduled monument of Humbledon Hill, a programme of archaeological investigation was carried out within the context of the planning application for the wider site (ref. 14/01638/FUL). An archaeological trench was excavated on this plot in 2014 and nothing of archaeological interest was found.

The County Archaeologist is thus satisfied that the proposed development will not impact upon pre-historic remains and no further archaeological works are required.

Historic England was duly consulted and has commented that the dwelling will be outside of the boundary of the Scheduled Monument and will therefore have no direct impact upon the protected archaeological remains. In terms of the impact of the development on the setting of the Scheduled Monument, the proposed dwelling will contribute to an increase in the cumulative harm, but it is considered that the addition of one more dwelling in this location is still less than substantial harm overall to the significance of the monument.

The Council's Built Heritage Team has offered comments that echo the views above and have no objection in terms of heritage impacts of the proposal.

Given the above, the proposal is considered to comply with policies B11, B12, B13 and B14 of the UDP and is acceptable in this respect.

### 3. Design and amenity issues

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

Policy B3 of the UDP states that public and private open space will be protected from development which would have a serious adverse effect on its amenity, recreational or nature conservation value; proposals will be considered in the light of their contribution to urban regeneration and to the importance of such space to the established character of the area.

In addition, consideration should be given to Sunderland's Residential Design Guide Supplementary Planning Document (SPD).

The nearest residential properties to the development are those at Tudor Grove nos. 7-19, with nos. 11-15 being opposite the actual building. At its closest point, the new building will be 24m away from the properties, increasing to up to 32m in response to the oblique angle at which the dwelling will be positioned.

The Residential Design Guide SPD requires a minimum distance of 21m where windows of main habitable rooms face each other, or 14m where windows face an elevation with secondary or no windows. This is increased by 2m with every 1m difference in ground levels. Although no accurate



levels have been provided, the dwelling will be excavated into the hill so that it is estimated that the property will be at a ground level approximately 1.5m higher than those on Tudor Grove, requiring a minimum of 24m. Given that this distance is achieved, and additionally that the property will be positioned so that the windows will not directly face the rears of the houses within Tudor Grove and will be partly screened by the boundary enclosure, in this respect it is considered that the proposed layout satisfies the spacing standard requirements within the Residential Design Guide SPD and policy B2 of the UDP.

The proposed house type reflects the style of those previously found to be acceptable in design terms within the context of the previous application. In terms of layout, one of the design characteristics of the original scheme was that this area of land was to be maintained as Magnesian Limestone grassland to serve as a buffer between the new development and the existing properties and present an open, green setting to the entrance to the estate to retain a feeling of spaciousness and exclusivity around these executive properties. It would also provide an area of amenity open space to provide a visual amenity and a context for the information/interpretation board which will include references to the biodiversity of the site.

Given the above, it is considered that the development of this site will represent the overdevelopment of the wider site, will dilute the integrity of this executive estate, and remove the only accessible area of open space other than the scheduled area itself (upon which public access should be restricted), which is an important contribution to the visual amenities of the area. The proposal is therefore considered contrary to policies B2 and B3 of the UDP and is unacceptable in this regard.

#### 4. Ecology and Biodiversity

Policy CN18 of the UDP seeks the promotion of the interests of nature conservation throughout the city. Areas of nature conservation interest, particularly those of national importance, will be protected and enhanced through measures including; encouraging landowners and occupiers to adopt management regimes sympathetic to nature conservation, making provision in development proposals for the preservation of habitats or creation of compensatory habitats, seeking opportunities in development proposals for new habitat creation on both public and private land, improving access and providing interpretation to appropriate sites of wildlife interest, and refusing inappropriate development.

Policy CN22 of the UDP states that development which would adversely affect any animal or plant species afforded special protection by law, or its habitat, either directly or indirectly, will not be permitted unless mitigating action is achievable, and the overall effect will not be detrimental to the species and the overall biodiversity of the city.

The application for the wider site was accompanied by a number of Ecological studies to assess the impact of the development upon the flora and fauna on the site. The Natural Heritage Officer was satisfied that the ecological reports provided a comprehensive assessment of the site and adjacent areas, and offered appropriate mitigation and enhancement measures. No additional Ecological studies have been provided to accompany the current proposal.

The original consent for the residential development included a landscaping strategy which detailed areas of reinstated natural Magnesian Limestone grassland, including the current application site. The strategy included the installation of an interpretation board on the site to provide information about the scheduled ancient monument, the ecology and biodiversity of the site, and the design of the residential development.

The approval was subject to condition 24 which required the developer to ensure the viability and long-term sustainability of all landscape and ecological mitigation and enhancement measures, including in perpetuity management and maintenance, and monitoring of the ecological factors such as mammals, flora and invertebrates, controlled access to and use of the grassland areas by humans and domestic animals, and sensitive external lighting across the site. As part of the details submitted to discharge this condition, the current application site was specifically identified as an area of restored Magnesian Limestone grassland within which to create hibernacula and communal composting, given the practical problems of placing these within the garden plots.

The current application site is therefore central to the success of the ecological mitigation and enhancement measures required by the original consent. The Natural Heritage Team has commented that its development will reduce the residual area of Magnesian Limestone grassland and further impact negatively species of conservation concern. As no measures have been proposed to mitigate for the loss of this area, it is considered that the proposal will have a detrimental impact upon protected species and the biodiversity of the site, contrary to policies CN22 and CN18 and the application is unacceptable in this regard.

## 5. Highway Considerations

UDP Policy T14 aims to ensure that new developments are easily accessible to both vehicles and pedestrians, should not cause traffic problems, should make appropriate provision for safe access by vehicles and pedestrians and indicate how parking requirements will be met. In addition, policy T22 seeks to ensure that the necessary levels of car parking will be provided.

The Network Management Team has confirmed that there are no objections to the proposal. The layout includes two in-curtilage car parking spaces for the additional dwelling, which is considered to be an acceptable level of provision for the development.

Given the above, it is considered that the proposed development is unlikely to lead to any significant increase in on-street parking in the vicinity of the site or highway and pedestrian safety concerns, in accordance with the requirements of policies T14 and T22.

## 6. Ground conditions.

Policy EN14 of the UDP requires the applicant to carry out investigations to determine the nature of ground conditions below where development is proposed on land which there is reason to believe is either unstable or potentially unstable, contaminated or potentially at risk from migrating contaminants, or potentially at risk from migrating landfill gas or mine gas.

The site has been investigated as part of the larger scheme for housing. The Desk Study and Phase II Investigation previously reviewed are adequate for the proposal and the Public Protection and Regulatory Services Team has confirmed that there are no objections to the proposal provided that any consent that may be forthcoming is subject to a condition relating to unexpected contamination.

## CONCLUSION

The above assessment concludes that there will be no further detriment to the setting of the scheduled monument. Archaeological investigations have previously been undertaken and no further work is required in this respect.

The positioning of the proposed dwellings is such that it is unlikely that neighbouring properties will be overshadowed, or will be unduly overlooked and it is unlikely that the development will adversely impact upon residential amenity.

The proposal is also acceptable from the highway safety point of view and the development raises no new concerns relating to ground conditions.

However, as detailed above, the proposed additional dwellinghouse is considered to constitute overdevelopment of the wider site leading to a dilution of the quality of design of the wider executive residential development site, to the detriment of the character of the new residential development and the visual amenities of the area in general, contrary to policy B2 of the UDP.

The proposal would lead to the loss of the only area of accessible open space within the vicinity, to the detriment of the amenities of the area and contrary to policy B3 of the UDP.

Additionally, the proposal represents a weakening of the sustainability credentials of the wider residential development site and is considered to be potentially harmful to local wildlife and its habitat and the biodiversity of the area through the loss of an area of restored Magnesian Limestone grassland, contrary to policies CN18, CN22 of the UDP.

Given the above, it is considered that the application is unacceptable and the application is therefore recommended for refusal.

#### 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:-

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

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

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

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

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

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

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

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

**RECOMMENDATION:** REFUSE, for the reasons set out below:

**Reasons:**

1 The application is not accompanied by a report which takes into account the ecological impact of development and, in lieu of any conclusive evidence to the contrary, the proposal represents a weakening of the sustainability credentials of the wider residential development site and is considered to be potentially harmful to local wildlife and its habitat and the biodiversity of the area through the loss of an area of restored Magnesian Limestone grassland, contrary to policies CN18, CN22 of the UDP.

2 The proposed development would appear as a visually intrusive incursion into an area allocated as restored Magnesian Limestone grassland by virtue of application ref 14/01638/FUL, to the detriment of its visual and functional merits, resulting in a consequent loss of amenity open space and open aspect that the land affords to the street scene and, as such, is contrary to policies B2, and B3 of the adopted Unitary Development Plan.

3 The proposed additional dwellinghouse is considered to constitute overdevelopment of the wider site leading to a dilution of the quality of design of the wider executive residential development site currently under construction under application ref 14/01638/FUL, to the detriment of the character of the new residential development and the visual amenities of the area in general, contrary to policy B2 of the UDP.