

## **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/)

Ms. Irene Lucas CBE  
Chief Executive



## PROPOSAL:

Planning permission is sought for the erection of a modular industrial building to the rear of existing factory, to be connected via 2 enclosed links to provide additional storage space for raw components and manufactured parts serving the main factory at 'Faurecia', Staithes Road, Washington, NE38 8NW.

The proposed development affects an existing factory unit located within the Pattinson Industrial Estate in Washington. The unit occupies a plot of land measuring approximately 10,300 sq. metres in area, which is bordered by Staithes Road to the south and, along its north side, a tree belt which screens the site from Pattinson Road. To the east, the plot is bordered by the corridor of a public footpath/multi-user route, whilst to the west is another business/industrial plot occupied by a timber recycling business (Timberpak). Vehicular access to the site is taken directly from Staithes Road.

As indicated above, the development site is located within an established industrial estate occupying land to the south side of Pattinson Road. The land immediately to the north of Pattinson Road is also characterised by industrial/commercial buildings and uses. To the north-east of the application site and Pattinson Road is, however, the new residential development of Teal Farm Gardens, whilst to the east, beyond the aforementioned footpath corridor, is a further new residential development known as Teal Farm Manor. To the south, meanwhile, on the opposite side of Staithes Road, is undeveloped land stretching towards the River Wear, which forms part of the Tyne and Wear Green Belt.

The existing factory building at the site is currently occupied by a company named Faurecia, which is a major manufacturer of automotive parts and supplies seats, cockpits, door panels, acoustics and soft trims to the nearby Nissan factory. The existing building occupies the western half of the plot, with the eastern part primarily used for staff and visitor car parking, loading and external storage.

The application proposes the erection of a new modular industrial building on land immediately to the rear of the existing factory (but still within its existing plot). The site of the new building is bounded by wings of the existing building on its eastern and southern sides, the tree belt to Pattinson Road on the north side and the Timberpak boundary to the west. The site slopes gently uphill towards the north (i.e. towards Pattinson Road) and it is currently covered by rough grass and scrub. The site is intended to be levelled prior to building work commencing.

The proposed building has a footprint of 62.8 metres x 30 metres, giving a floor area of just over 1800 sq. metres, and its roof has a maximum height of 11.2 metres, with an eaves height of 6.2 metres. It therefore stands no taller than the existing building at the site, to which it will be connected by two short covered links. The west elevation of the building stands 8.1 metres from the boundary with Timberpak, whilst the north elevation will be 19 metres from the site's northern boundary. There is no requirement for any additional hardstanding in association with the new building and the undeveloped ground around it will be re-graded where appropriate and then re-seeded with grass.

The proposed building is of an 'off-the-shelf' modular design and will feature an aluminium alloy and steel frame, an insulated metal wall cladding system finished in grey and a high-gloss white, PVC coated polyester fabric air-filled thermos roof system, designed to insulate the building and minimise internal condensation.

The Design and Access Statement submitted with the planning application advises that the new building is to be used for the storage of raw materials and manufactured parts, which will assist in

increasing the productivity of the factory. Given this use, the development may lead to a reduction in vehicular journeys to the site, for the ability to store materials on-site will mean fewer deliveries from off-site sources are required. All other existing access, parking and servicing arrangements associated with the existing unit are to remain the same, with the new building serviced via the existing dedicated delivery yard to the east of the existing factory building.

The application has also been accompanied by a Preliminary Ecological Assessment (produced by Arbtech), a Site Investigation Report and a Drainage Strategy and Preliminary Flood Risk Assessment (both produced by Westlakes Consulting).

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

Press Notice  
Site Notice Posted  
Neighbour Notifications

#### **CONSULTEES:**

Washington East - Ward Councillor Consultation  
Network Management  
Environmental Health  
Flood And Coastal Group Engineer  
Southern Area Command - Police  
Fire Prevention Officer  
Northumbrian Water  
Environment Agency

Final Date for Receipt of Representations: **14.12.2016**

#### **REPRESENTATIONS:**

Public consultation - no representations received.

Environment Agency - no objections to the proposed development.

Northumbrian Water - no issues to raise with the proposed development, provided the developer is required to comply with the Drainage Strategy submitted with the planning application.

#### **POLICIES:**

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

B\_2\_Scale, massing layout and setting of new developments  
CN\_22\_Developments affecting protected wildlife species and habitats  
CN\_23\_Measures to conserve/ improve wildlife corridors  
CN\_1\_Protecting and enhancing the rural area (general)  
T\_14\_Accessibility of new developments, need to avoid congestion and safety problems arising  
EN\_6\_Limit exposure of new noise/vibration sensitive developments to existing sources  
EC\_4\_Retention and improvement of existing business and industrial land  
EC\_1\_General Support for economic development proposals and initiatives  
EN\_14\_Development on unstable or contaminated land or land at risk from landfill/mine gas

## **COMMENTS:**

### **ISSUES TO CONSIDER**

The National Planning Policy Framework (NPPF) provides the current Government planning policy guidance and development plans must be produced, and planning applications determined, with regard to it. The NPPF sets out a series of 12 'core planning principles' which should underpin plan-making and decision-taking and are considered to contribute to the over-arching aim of delivering sustainable development. Particularly relevant in this case are the principles that development should always:

- seek to proactively drive and support sustainable economic development and meet business needs;
- seek to secure a high quality design and a good standard of amenity;
- take account of the different roles and character of different areas, including Green Belt;
- contribute to conserving and enhancing the natural environment.

These core principles of the NPPF feed into policies EC4, WA1, CN5, CN22, CN23, EN12, EN14, B2 and T14 of the Council's adopted Unitary Development Plan (1998), which are relevant to the consideration of this application.

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

1. the principle of the proposed development;
2. the impact of the development on visual amenity, Green Belt and residential amenity;
3. the impact of the development on ecology and biodiversity;
4. the implications of the development in respect of flood risk and drainage;
5. the implications of the development in respect of land contamination;
6. the impact of the development on highway and pedestrian safety;

### **1. PRINCIPLE OF DEVELOPMENT**

The development site forms part of an established industrial/commercial estate and is identified as such by the proposals map of the Council's adopted UDP. Policy EC4 therein is applicable and this states that such estates will be retained and improved for a range of appropriate uses - those falling within use classes B1 (offices and light industry), B2 (general industry) and B8 (storage and distribution) of the Town and Country Planning (Use Classes) Order 1987 (as amended) are listed as being acceptable primary uses. On a more specific level, policy WA1 sets out that Pattinson South Industrial Estate will be retained and improved for the uses set out by policy EC4.

In this case, the proposed development provides additional storage facilities for the existing manufacturing business at the site, a use which falls into use class B2 of the Use Classes Order. The development therefore supports an existing use of the site which, as per the guidance of policies EC4 and WA1, is appropriate at this location and consequently, there is not considered to be any conflict with the objectives of these policies. The principle of the proposed development in land use terms is therefore considered to be acceptable.

## **2. IMPACT OF DEVELOPMENT ON VISUAL AMENITY, GREEN BELT AND RESIDENTIAL AMENITY**

Policy B2 of the UDP requires new development proposals to respect the amenity of existing residential properties and the visual amenity of the locality in which the site is situated. Also of importance in this instance is policy CN5 of the UDP which states that great care will be taken to ensure that the visual amenities of the Green Belt will not be injured by proposals for development within, or conspicuous from, the Green Belt. This echoes the objectives of section 9 of the NPPF, paragraph 79 of which sets out that the Government attaches great importance to Green Belts and that the fundamental aim of its policy approach is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts being their openness and permanence.

As noted previously, the proposed building is of an 'off-the-shelf' modular design, but it must be recognised that it is to be located within an area which is characterised by industrial and commercial buildings of functional design and appearance. In any case, the new building will primarily be screened by the existing Faurecia building in views from Staithes Road, whilst it will also be well-screened in views from the north by the thick tree belt flanking the south side of Pattinson Road. Given this context, it is considered that the impact of the development on the visual amenity of the locality is acceptable.

With regard to the aforementioned local and national planning policies relating to Green Belts, as noted in the preceding section of this report, the development site is not located within the Green Belt but is immediately adjacent to the Green Belt boundary running along the south side of Staithes Road. It is considered, however, that the proposed development will not be of harm to the openness of the Green Belt given the scale and design of the new building and its location between the existing factory unit and the tree belt of Pattinson Road, an arrangement which will also serve to ensure that the development is not be unduly conspicuous when viewed from within the Green Belt.

With reference to residential amenity, it is observed that the nearest dwellings to the site of the new building are those of Chillingham Gardens in the Teal Farm Gardens development to the north-east of the site, with those of Teal Farm Manor only slightly more distant to the east. The nearest dwelling within Chillingham Gardens is approximately 115 metres from the location of the new building, a distance which ensures the development raises no significant concerns in relation to its outlook and privacy, particularly given the presence of the intervening tree belt flanking Pattinson Road. In addition, the proposed development does not give rise to any concerns relating to noise given that the new building relates to an existing factory complex and is only intended to be used for storage purposes.

With regard to the above, it is considered that the impact of the proposed development on visual amenity, the openness of the neighbouring Green Belt and residential amenity is acceptable, in accordance with the requirements of the core principles and section 9 of the NPPF and policies B2 and CN5 of the UDP.

## **3. IMPACT OF DEVELOPMENT ON ECOLOGY AND BIODIVERSITY**

Paragraph 117 of the NPPF states that when determining planning applications, Local Planning Authorities should aim to conserve and enhance biodiversity by, amongst other measures, refusing planning permission that would have significant harm on biodiversity, refusing permission for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and aged/veteran trees and by encouraging opportunities to

incorporate biodiversity in and around developments. On a local level, policy CN22 of the UDP requires consideration to be given to the impact of development on protected species and their habitats.

The proposals map of the UDP also identifies the application site as being located within a wildlife corridor and policy CN23 of the UDP states that within such corridors:

- measures to conserve and improve the environment will be encouraged;
- development which would adversely affect the continuity of corridors will normally be refused;
- where, on balance, development is acceptable because of wider plan objectives, appropriate habitat creation measures will be required to minimise detrimental impact.

The applicant has submitted a 'Preliminary Ecological Assessment', produced by Arbtech (November 2016), which considers the habitat value of the areas affected by the development proposals and the risks of the development in relation to protected species. The report concludes that at present, the site is of negligible ecological value given its small size and its separation from the wider landscape by physical features such as busy main roads. In addition, the available data does not record any protected species on or in close proximity to the site. The Assessment does, however, provide a summary of recommended avoidance, mitigation and compensation measures, including timing the clearance of vegetation to avoid harm to nesting birds, a hand search of scattered debris to ensure no amphibians or reptiles are accidentally harmed and the relocation of top soil to elsewhere within the site to maintain the established seed bank of wildflower species.

The Council's Natural Heritage team has considered the submitted Assessment and confirmed that it addresses the relevant ecological issues associated with the site and proposed development. It is advised that in the event the application is approved, the development should be undertaken in accordance with the aforementioned avoidance and mitigation measures recommended by the Assessment. To this end, it is recommended that in the event Members are minded to approve the application, a condition to this effect is imposed.

Subject to the recommended condition, it is considered that the implications of the development in relation to ecology and biodiversity are acceptable, in accordance with the objectives of paragraph 117 of the NPPF and policies CN22 and CN23 of the UDP.

#### **4. FLOODING AND DRAINAGE ISSUES**

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

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

In considering planning applications, the LLFA should be satisfied that the proposed minimum standards of operation are appropriate and ensure through the use of planning conditions or obligations that there are clear arrangements in place for ongoing maintenance over the lifetime of the development. Technical Guidance produced by DEFRA (March 2015) sets out non-statutory technical standards for SuDS and this should be used to inform the preparation of a SuDS scheme in association with a development proposal. The primary objective set out by the guidance is that run-off volume from a developed site should be as close as reasonably practicable to the greenfield run-off rate and should never exceed the run-off volume from the site prior to the redevelopment.

The application has been accompanied by a Drainage Strategy (produced by Westlakes Consulting), which also includes a preliminary flood-risk assessment of the site. The flood-risk assessment concludes that the development site is located within Flood Zone 1 and is therefore at the lowest risk of flooding from watercourses and other sources. As such, there is no need to consider whether any sequentially preferable sites for the development are available.

With regard to drainage, the strategy has identified ground conditions which do not readily support discharge of surface water via infiltration. The strategy therefore proposes the discharge of surface water from the new development into the existing sewerage system serving the Faurecia site, but with attenuation measures integrated into the development to ensure that run-off is restricted to greenfield rates.

The Council's Flood and Coastal Team has considered the application details and initially advised that additional information was required before the drainage strategy could be agreed, in particular the proposed means of attenuation. Following further discussions between the Council and the applicant's drainage consultant, an attenuation scheme which involves the provision of a swale (a shallow ditch designed to manage water run-off) adjacent to the north elevation of the building, together with over-sized drainage pipes and a hydrobrake chamber has been proposed. The applicant's consultant has also provided drainage calculations to confirm the effectiveness of the scheme. The Council's Flood and Coastal Team has confirmed that the proposed improved scheme is acceptable and that the development now raises no concerns in relation to flood risk and drainage.

It is recommended that in the event Members are minded to approve the application, a condition requiring that the development is undertaken in accordance with the submitted drainage strategy be imposed. Subject to a condition to this effect, it is considered that the development will be compliant with the aims and objectives of the aforementioned UDP policies, the NPPF and the DEFRA guidance and is therefore acceptable in relation to drainage and flood risk considerations.

## **5. LAND CONTAMINATION CONSIDERATIONS**

Paragraph 121 of the NPPF states that planning decisions must ensure that development sites are suitable for the new use, taking account of ground conditions and land instability, including from former activities such as mining and pollution. Meanwhile, policy EN14 of the UDP states that where development is proposed on land where there is reason to believe is contaminated or potentially at risk from migrating contaminants, the Council will require the applicant to carry out adequate investigations to determine the nature of ground conditions below and, if appropriate, adjoining the site. Where the degree of contamination would allow development subject to preventative, remedial or precautionary measures within the control of the applicant, planning permission will be granted subject to conditions specifying the measures to be carried out.



The 'Site Investigation Report' (produced by Westlakes Environmental, August 2016) has advised that although contamination risks at the site are considered to be low, further intrusive ground investigations should be undertaken, with particular regard given to assessing made ground ahead of finalising the design of building foundations. It is also recommended that a watching brief be kept on-site during development works to check for signs of any contamination not identified by the Report.

Given the findings of the submitted report, it would appear that the risk of contamination at the site is low. It is suggested, however, that in the event Members are minded to approve the application, conditions are imposed which require additional site investigations to be undertaken prior to development commencing. Subject to the imposition of the recommended conditions, it is considered that the implications of the development in respect of land contamination are acceptable, in accordance with the requirements of paragraph 121 of the NPPF and policy EN14 of the UDP.

## **6. HIGHWAY AND PEDESTRIAN SAFETY CONSIDERATIONS**

Policy T14 of the UDP states that new development proposals must not lead to conditions which are prejudicial to highway and pedestrian safety.

To this end, the City Council's Highways team initially asked for clarification as to whether the proposed development is likely to give rise to any additional vehicular journeys to/from the site. The applicant's agent has confirmed that there are not anticipated to be any more journeys as a result of the development given that the new building will simply provide storage facilities. Indeed, as noted earlier, the development may lead to a reduction in deliveries to the site. The Council's Highways officers have since confirmed that the proposals raise no concerns in relation to highway and pedestrian safety and the development therefore accords with the requirements of UDP policy T14 in this regard.

## **CONCLUSION**

For the reasons set out above, it is considered that the proposed development is acceptable in principle, whilst the development raises no significant concerns in relation to residential amenity, visual amenity and the neighbouring Green Belt. Furthermore, the implications of the proposals in relation to flood risk and drainage, ecology and biodiversity, land contamination and highway and pedestrian safety are also considered to be acceptable. The proposed development is therefore considered to comply with the requirements of the core principles and relevant sections and paragraphs of the NPPF and policies EC4, WA1, B2, CN5, CN22, CN23, EN12, EN14 and T14 of the Council's adopted UDP.

The application is therefore recommended for approval.

## **EQUALITY ACT 2010 - 149 PUBLIC SECTOR EQUALITY DUTY**

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

- 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 following conditions.

#### **Conditions:**

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

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

- the location plan received 19/09/2016;
- the existing site plan received 06/09/2016 (drawing no. 01-101);
- the existing site sections received 19/09/2016 (drawing no. 01-102A);
- the existing floor layout received 06/09/2016 (drawing no. 01-103);
- the existing elevations received 06/09/2016 (drawing no. 01-104);
- the proposed site plan received 06/09/2016 (drawing no. 03-100);
- the proposed site sections received 19/09/2016 (drawing no. 03-101A);
- the proposed elevations received 06/09/2016 (drawing no. 03-104);
- the proposed elevations received 19/09/2016 (drawing no. 03-105A);
- the proposed floor layout received 06/09/2016 (drawing no. 03-102);
- the proposed drainage layout (produced by Westlakes Engineering, drawing no. WL\_988\_003, rev. P5);

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 The external materials to be used in the development hereby approved shall be those detailed by the planning application (as set out at question 9 of the application form submitted with the application), unless the Local Planning Authority first agrees any variation in writing, in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.

4 The construction works required for the development hereby approved shall only be carried out between the hours of 07.00 and 19.00 Monday to Friday and between the hours of 07.30 and 14.00 on Saturdays and at no time on Sundays or Bank Holidays in order to protect the amenities of the area and to comply with policy B2 of the UDP.

5 The development hereby approved shall be undertaken in strict accordance with the 'Avoidance, mitigation and compensation' measures set out on pages 8 and 9 of the 'Preliminary Ecological Assessment, parcel of land to the rear of Faurecia Plant on Staithes Road, Pattinson South Industrial Estate, Washington, Tyne and Wear, NE38 8NW' (produced by Arbtech, 10/11/2016), in order to ensure the implications of the development in relation to ecology and biodiversity are acceptable and to comply with the objectives of the NPPF and policies CN22 and CN23 of the Council's UDP.

6 The development hereby approved shall be carried out in full accordance with the drainage strategy detailed by 'Faurecia Site, Staithes Road, Washington, Tyne and Wear - Drainage Strategy' (produced by Westlakes Consulting, dated 12/08/2016) and the proposed drainage layout plan and accompanying calculations (produced by Westlakes Engineering, drawing no. WL\_988\_003, rev. P5). The approved drainage strategy shall then be maintained and managed appropriately in order to ensure its continued effectiveness for the lifetime of the approved development, in the interests of delivering an appropriate drainage strategy for the site and to comply with the objectives of paragraph 103 of the NPPF and policy EN12 of the UDP.

7 Unless otherwise agreed by the Local Planning Authority, no development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions number 8 to number 10 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 10 has been complied with in relation to that contamination. To ensure that risks from land contamination to future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the Unitary Development Plan.

8 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, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11.' To ensure that risks from land contamination to future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the Unitary Development Plan.

9 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. To ensure that the risks from land contaminated to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the

development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the Unitary Development Plan.

- 10 The remediation scheme approved under Condition number 9 (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. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the Unitary Development Plan.
- 11 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition number 8 (Site Characterisation), and when remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition number 9 (Submission of Remediation Scheme), which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared which is subject to the approval in writing of the Local Planning Authority in accordance with condition number 10 (Implementation of Approved Remediation Scheme). If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until this condition has been complied with in relation to that contamination. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks and in accordance with policy EN14 of the Unitary Development Plan

**Reference No.:** 16/02168/FUL Full Application

**Proposal:** **Upgrading of surfacing of the existing car park to hard standing, including the creation of additional car parking.**

**Location:** The Russell Foster Football Centre Staddon Way Houghton-le-Spring DH4 4WL

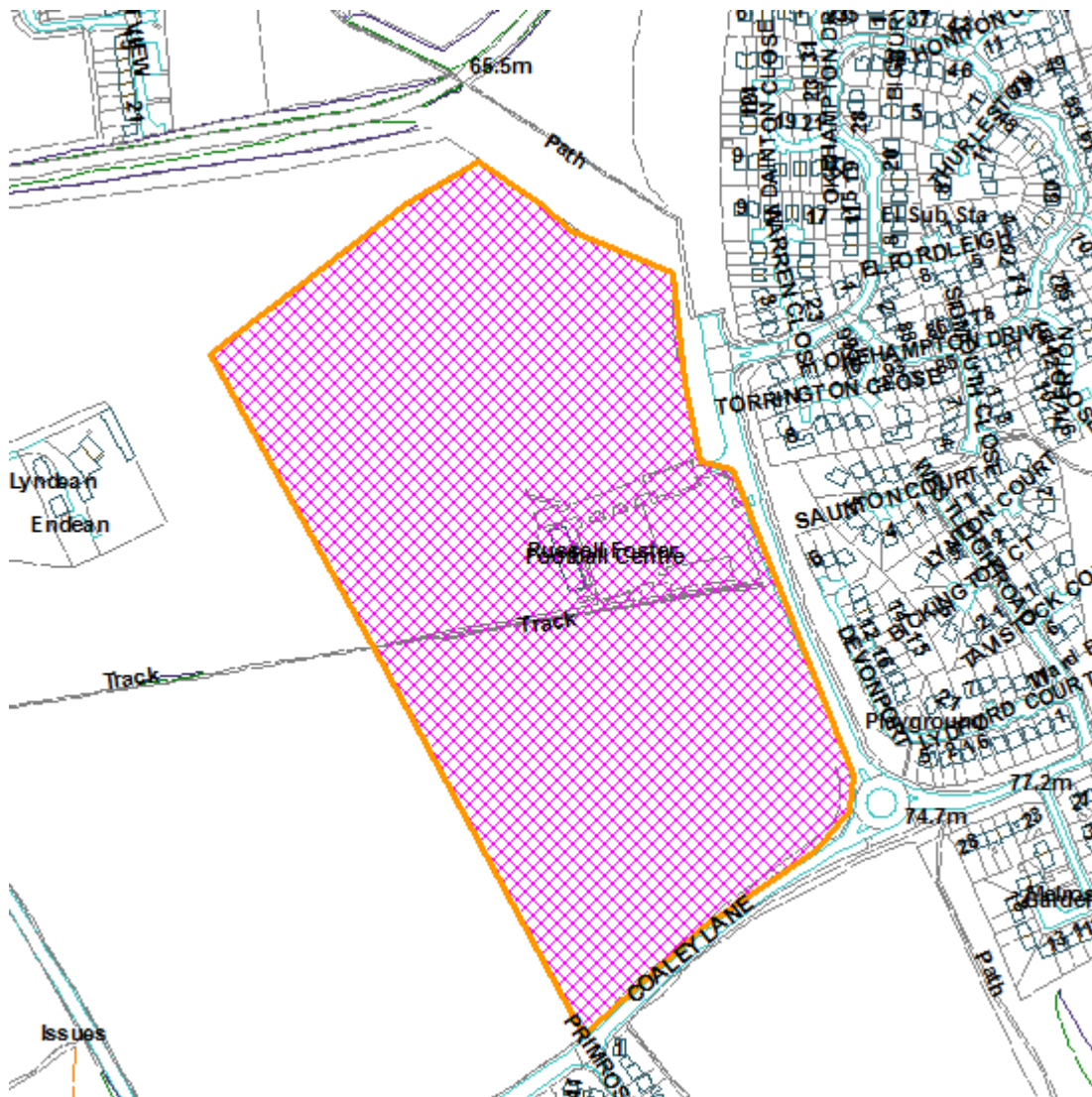
**Ward:** Houghton

**Applicant:** Mr David Armstrong

**Date Valid:** 17 November 2016

**Target Date:** 16 February 2017

## Location Plan



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## **PROPOSAL:**

The proposal is for the upgrading of surfacing to existing car park to hard standing, including the creation of additional car parking.

Members may recall that planning permission was granted under planning reference 04/02864/FUL on the 7th April 2005 for construction of 20 no. pitches with associated changing pavilion, outdoor store and car parking. Also stopping up and change of use of footpath no. 60 to landscaped area. The development was subsequently implemented and has other variation applications associated with the development have been approved and implemented.

Members are reminded that the principle of development is not under consideration, the application is purely to consider the upgrading of the surfacing to the existing car park and creation of additional car parking on land which original was going to be used for phase 2 of the development to erect a club house.

The proposed land is allocated in the adopted Unitary Development Plan as settlement break and as such has been advertised as a departure on site and in the press.

## **TYPE OF PUBLICITY:**

Press Notice Advertised  
Site Notice Posted  
Neighbour Notifications

## **CONSULTEES:**

Environmental Health  
Flood And Coastal Group Engineer  
Houghton - Ward Councillor Consultation  
Network Management

Final Date for Receipt of Representations: **30.12.2016**

## **REPRESENTATIONS:**

### **Neighbour Letters**

29 letters have been sent out to neighbouring properties. No representations have been received to the application.

### **Consultee Responses**

#### **Drainage Response**

As the developable area is only 0.5 hectares the Local Lead Flood Authority does not wish to comment on the application.

#### **Highways Response**

No adverse comments received to the development, however, a condition has been requested that if members are minded to approve the scheme, a condition requiring a car parking survey should be undertaken within 3 months of the upgraded car parking area being brought into use. The results of the survey shall be submitted within 2 weeks to the Local Planning Authority.

## Environmental Health

No adverse comments have been received and it is recommended that conditions in respect of unexpected containments be proposed and a compliance condition in respect of the Construction Management Plan.

## **POLICIES:**

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

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

T\_21\_Factors to be taken into account in the provision of parking

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

## **COMMENTS:**

Background to application.

The Russell Foster Youth League (the 'Foundation') is a charitable foundation established in 1975. Based in the North East, the Foundation seeks to encourage the training and development of young people in football. The pitches and sport pavilion are located on Staddon Way, Houghton le Spring. The site received planning permission in 2004 (ref: 04/02864/FUL) and this has since been implemented

The Key consideration as part of the application area:

- 1) Highways Implication
- 2) Land Contamination
- 3) Drainage and Flood Risk
- 4) Environmental Considerations

## **Proposed development**

The application seeks to upgrade the existing car parking area within the grounds of the Foundation from reinforced grass/ road plantings to hard standing. This proposed upgrade encompasses the area of the temporary car park, part of which was previously earmarked for the approved Tyne and Wear HQ, but which will no longer be implemented. The Tyne and Wear HQ was to be the head offices of the Russell Foster Foundation. The parking area requiring hardstanding is approximately 0.5ha in size. Part of this was shown on the permitted drawing as hard surfacing but not all of the original layout was constructed. The section that was surfaced included the coach bays, and the line of parking spaces beside the sport pavilion.

The proposed parking layout will be similar to the previously approved layout, but with some changes to improve manoeuvrability. With the upgraded car park to hard standing, the availability of parking spaces will increase from 179 to 269. There will continue to be a total of eight disabled parking bays.



No additional lighting is being proposed and neither are any amendments being proposed to the site's operating times. A temporary site compound will be required, but this will be located within the grounds of the Foundation, as space is sufficient. No amendments are being proposed to the site access and no additional accesses are being proposed. The car park is to be constructed of bituminous surfaced aisles draining to permeable block paved bays. There will be no increase in the number of visitors accessing the site.

The existing car park is surfaced with road planings and with use has deformed. This leads to the surface becoming ponded and water logged. It is thought that this contributes to car users choosing not to park on site. Given that there have been a number of complaints about parking, the Foundation wishes to try to alleviate these concerns. It is considered that hard surfacing the car park would encourage more vehicle users to park within the Foundation's car park. This also includes people dropping players off within the site, and not on Staddon Way

## **1) Highways**

Paragraph 29 of the NPPF states, amongst other things, that "transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Smarter use of technologies can reduce the need to travel. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel".

The car park upgrade is likely to result in more vehicle users parking within the grounds of the Foundation. This is seen as a key benefit from the proposal. The number of users requiring access to the Foundation will remain unchanged, therefore it is not considered that there will be an adverse effect on the local highway network.

The site is well situated in transport terms, with Staddon Way leading onto Coaley Lane, the latter which has two bus stops attended by at least four bus services.

The proposed upgrade is considered to conform to both Paragraph 29 of the NPPF and Policy T21 of the Sunderland UDP (1998) Saved Policies.

The Councils network management team has reviewed the submitted information and has concluded that the information submitted is considered acceptable and as such if members are minded to grant consent that a condition be imposed that a traffic study should be carried out 3 months after the car park use has been implemented and the results shall be submitted to the Local Planning Authority within 2 weeks,

The proposed upgrading of the car park and increase in number of car parking bays is considered acceptable and as such complies with policy T21 of the adopted Unitary Development Plan.

## **2 Land Contamination**

Policy EN14 of the adopted UDP states that:

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

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

The Council will require the applicant to carry out adequate investigations to determine the nature of ground conditions below and, if appropriate, adjoining the site, where the degree of instability, contamination, or gas migration would allow development subject to preventative, remedial or precautionary measures within the control of the applicant, planning permission will be granted subject to conditions specifying the measures to be carried out.

Paragraph 120 of the NPPF relates to measures to be taken to prevent unacceptable risks from pollution and land instability and requires planning decisions to ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environmental or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Where a site is affected by contamination of land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

This planning application is accompanied by a preliminary Geotechnical and Ground Contamination Desk Top Review.

The proposed construction has a low sensitivity to pollution since the hard surfacing will seal the ground. The Desk Study indicates a former landfill was registered to the site however no records of the landfill boundary are available from public databases we have viewed. The ground investigation found the northern area of the site including the car park to be underlain by topsoil including coal, but apart from two observations of brick fragments there was no sign of anthropogenic content. The southern area of the site (outside the car park) had observations of some ash. Historical Ordnance Survey Maps show a railway running down the east side of the site and the surrounding area is part of the Durham Coalfield with former mine shafts present within 1km but outside the site boundaries. A fairly comprehensive suite of chemical testing was undertaken on topsoil including metal, PAHs and Dioxins and Furans (contaminants associated with ash as well as old electrical sub-stations). No significant contamination was detected for direct exposure of soils to site users therefore the contamination risks for development and under hardstanding appear to be negligible.

The sensitivity of controlled waters has been considered to be low due to the distance to surface watercourses and presence of low permeability drift which protects the underlying Secondary (A) Aquifer of Coal Measures. In the absence of Made Ground the environmental risks are considered low.

The data sources relied upon for this assessment are not in the main addressed to the particular development however given the low sensitivity of the proposed car park and body of information available on public record it would be reasonable to apply a condition to deal with unexpected contamination found during development.

The proposed information submitted is considered satisfactory and as such is considered to comply with policy EN14 and Paragraph 120 of the National Planning Policy Framework Document, as such if Members are minded to approve it is recommended that a condition be imposed in case an unexpected containment is found during the construction stage.

### **3. Drainage and Flood Risk**

Paragraph 103 of the NPPF states that when determining planning applications, Local Planning Authorities should ensure flood risk is not increased elsewhere and should only consider development to be appropriate in flood-risk areas where certain criteria are satisfied.

Paragraph 109 of the NPPF states, amongst other things, that "the planning system should contribute to and enhance the natural and local environment by: preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability".

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

The development area is not located within Flood Zones 2 or 3, and covers an area less than the 1ha Flood Risk Assessment (FRA) threshold (approximately 0.5ha). Notwithstanding this, an FRA is being prepared and is being submitted as part of this planning application as the site is located within a critical drainage area. The FRA concludes that the upgraded car park will not be at risk of flooding and neither will it increase the risk of flooding elsewhere. The Local Lead Flood Authority have not commented on the application due to the developable area of the car park only being 0.5 hectares.

The site surfacing of the overflow car park currently comprise a mix of compacted bare earth and granular material, and features no formal drainage system. The area currently drains either via either infiltration in to the ground, or by overland flow off the site in to adjacent natural drainage ditches. In the case of the design with permeable paving surface water flows generated will flow in to the permeable paving structure where they will be attenuated in the open graded sub-base for all return periods up to and including the 1 in 100 year event plus 20% for climate change.

Discharge from the permeable paving will be via the existing natural drainage regime, either by infiltration in to the ground as a preference, at a restricted rate to the watercourse if infiltration testing proves this not to be a suitable option

## **Conclusion on Flood Risk and Drainage**

The Drainage Strategy and additional information submitted has been considered by and is considered to be acceptable and in compliance with policy EN12 of the UDP

## **Environmental Considerations**

### **Ecology and tree protection**

Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment in a number of ways included within which is the aim to minimise impacts on biodiversity and providing net gains in biodiversity where possible. Paragraph 118 expands upon this and states that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying a number of principles. Included therein is where significant harm would result from a development and cannot be avoided, adequately mitigated or compensated for, planning permission should be refused.

UDP policy CN18 seeks to ensure the promotion of the interests of nature conservation throughout the City with areas of nature conservation interest being protected and enhanced. Measures identified to achieve this goal include encouraging landowners to adopt management regimes sympathetic to nature conservation, especially in wildlife corridors, making provision in development proposals for the preservation of habitats or creation of compensatory habitats and seeking opportunities in new development proposals or other schemes for new habitat creation.

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 through the use of planning conditions and, the overall effect will not be detrimental to the species and the overall biodiversity of the City.

The proposed works will not require any tree felling to take place. Given the nature of the site as an existing car park, it is considered that there are no ecological implications associated with upgrading the parking facility.

The proposed development is not considered to have any ecological impacts and as such the proposed development in respect of ecology is considered acceptable in principle.

#### Lighting

No additional lighting is being proposed within the car park.

#### Operating times

There are no changes to operating times proposed.

#### Landscaping and visual impact

No landscape or visual impacts will arise from this proposed development because the existing parking area is well screened from Staddon Way and the housing to the east.

#### Intensity of use

There will not be an increase in the numbers of vehicles transporting players to the site or an increase in games. There will therefore be no intensification of use of the site.

#### Odour and noise

No odour or noise is expected to arise from hard surfacing the car park, other than some potential noise during construction. It is important to note, that a revised noise assessment is not being submitted with this application, as it is considered that the proposed development will not lead to a greater number of visitors accessing the site.

The proposed car park upgrade will not have an effect on foul sewage, waste generation, trade effluents, hazardous substances, industrial or commercial processes.

#### Summary conclusion on Environmental consideration

The proposed development is not considered to have any ecological impacts and as such the proposed development in respect of ecology is considered acceptable in principle.

#### **Conclusion**

It is considered that the proposed upgrading and creation of additional car parking has taken all material considerations into account, concluding that it constitutes sustainable development, in accordance with both national and local planning policy.

**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:** The proposed development is considered acceptable and is compliant with both National and Local Planning Policies, Members are recommended to **Approve** the application subject to the 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:

- Drawing Number NT12329-01 Outline Drainage Strategy received 17.11.2016
- Drawing Number 16/003 02 Rev A Site Layout as Proposed received 17.11.2016
- Drawing Number 16/003 01 Rev A Site Layout as Existing received 17.11.2016

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.

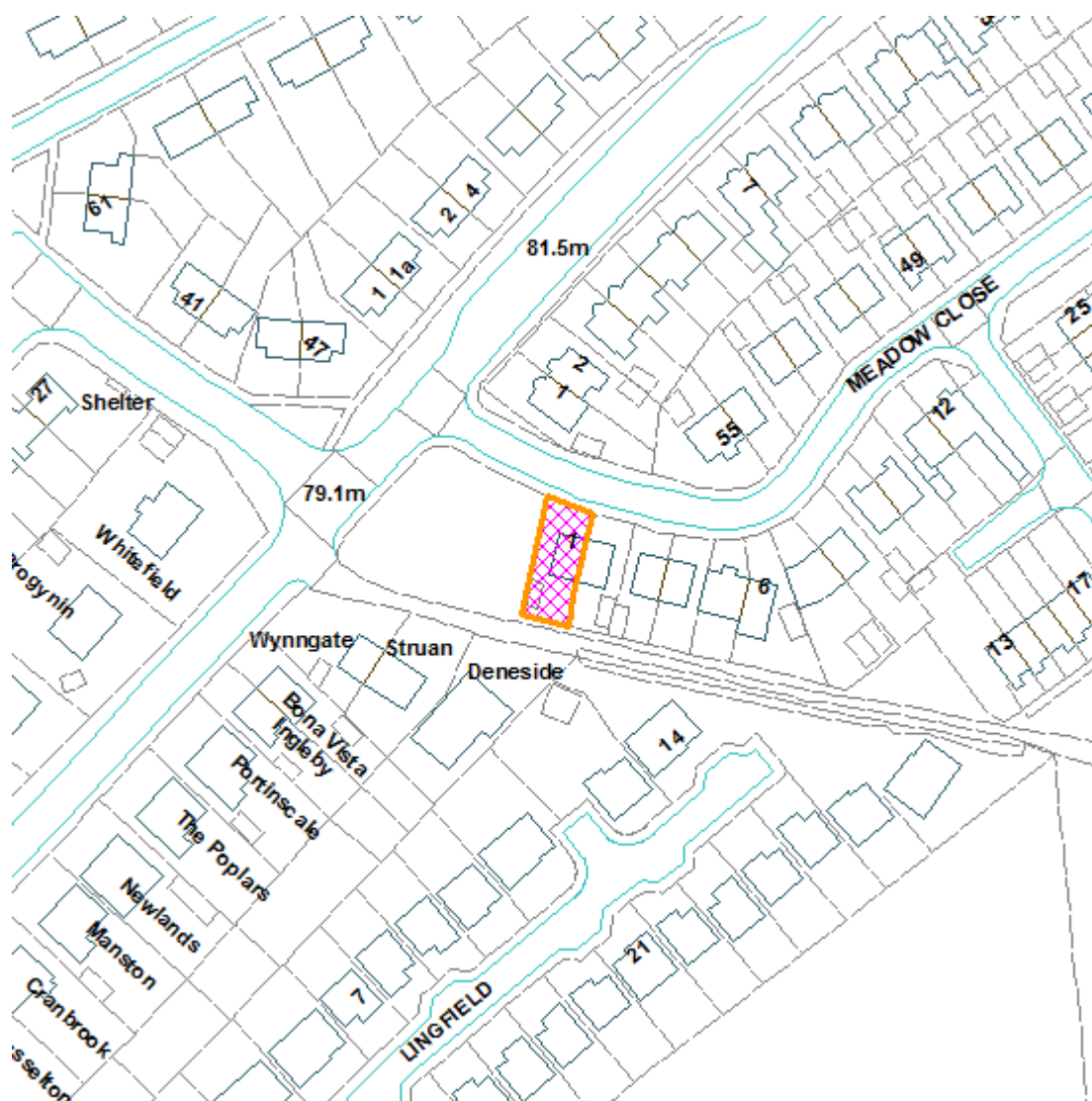
- 3 A traffic survey shall be carried out within 3 months of the implementation of the car park. The car parking survey results shall be submitted to the Local Planning Authority within 2 weeks of the survey being carried out. In order to comply with policy T14 and T21 of the adopted Unitary Development Plan.
- 4 The development shall be carried out in strict accordance with the construction environmental management plan dated January 2017 (Job number NT12329) undertaken by Wardell Armstrong in order to comply with policy EN10 of the adopted Unitary Development Plan.
- 5 **Unexpected Contamination** In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of the Site Characterisation, and when remediation is necessary a remediation scheme must be prepared in accordance with the requirements, 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. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until this condition has been complied with in relation to that contamination. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks and in accordance with policy EN14 of the Unitary Development Plan.

**Proposal: Erection of a two storey extension**

**Location:** 1 Meadow Close Houghton-Le-Spring DH5 8HU

**Ward:** Copt Hill  
**Applicant:** Mr Carl Mason  
**Date Valid:** 8 December 2016  
**Target Date:** 2 February 2017

## Location Plan



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## **PROPOSAL:**

Planning permission is sought for the erection of a two storey extension to the side, front and rear of 1 Meadow Close, Houghton Le Spring. The property, which is semi-detached, is located at the end of a row of houses on the south side of Meadow Close. To the east, north and south are residential dwellings whilst immediately to the west is an area of amenity open space. The dwelling therefore occupies a relatively open and prominent location which is visible from several directions. There is a well-defined building line along the south side of Meadow Close and a regular pattern of development is evident within this mature residential estate. There have been few modifications to dwellings in the near vicinity of the subject site.

## **TYPE OF PUBLICITY:**

Neighbour Notifications

## **CONSULTEES:**

Network Management  
Copt Hill - Ward Councillor Consultation

Final Date for Receipt of Representations: **05.01.2017**

## **REPRESENTATIONS:**

No representations have been received in response to public consultation.  
Network Management - no objection given that there is access for cars both to the front and rear of the dwelling, even though the driveway length to the front of the property would be reduced to 4 m.

## **POLICIES:**

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

B\_2\_Scale, massing layout and setting of new developments  
T\_14\_Accessibility of new developments, need to avoid congestion and safety problems arising

## **COMMENTS:**

## **PROPOSAL**

The two storey extension would be positioned along the west side of the property. It is shown to be 3.6 m wide. This equates to the entire width of the existing side space within the plot. The extension is designed with a gable end and the ridge is in line with the main roof of the dwelling. To the rear the extension projects beyond the rear elevation of the property by 1.1 m and the roof at this point is designed with a hipped end that is 1.2 m lower than the main ridge. To the front the extension projects 1.6 m beyond the front elevation (including the overhanging eaves) and is designed with a gable roof at right angles to the main roof that is also 1.2 m lower than the main ridge.



The proposed extension will provide for a new study at ground floor level and a fourth bedroom with en suite at first floor.

## **POLICY BACKGROUND**

In order to properly assess the proposal, due regard must be given to relevant national policies and the policies and guidance provided by the Council's Unitary Development Plan (UDP) and Household Alterations and Extensions Supplementary Planning Document (SPD), both of which have been formally adopted and therefore carry significant weight, as detailed under section 38(6) of the Planning and Compulsory Purchase Act 2004.

In view of the need to consider policy coverage beyond the UDP period, the Council sought a direction from the Secretary of State (SoS) which confirms agreement of the policies that are to be saved for a further period, pending formal adoption of the Local Development Framework (LDF). Accordingly, a list of the proposed 'saved' policies was submitted to the SoS - via Government Office for the North East (GO-NE). Confirmation of the saved policies and the direction provided by the SoS was received on the 4th September 2007, supporting the intention to maintain the extension of existing adopted policies to maintain continuity in the Development Plan, and ensure a stable planning framework locally, and a continual supply of land for development.

Subsequently, Annex 1: Implementation of the National Planning Policy Framework (NPPF), particularly paragraph 215, dictates that 'due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)'. The UDP policies and SPD guidance referred to below in the assessment of this application are not considered to be in any conflict with the policy guidance or general aims and objectives of the NPPF and so remain pertinent.

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

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

## **PLANNING ISSUES**

Given the local and national policy framework set out above, it is evident that in assessing the merits of the proposed development, the main issues to consider are (1) the impact of the development on visual amenity and (2) its impact on the living conditions of existing neighbouring dwellings.

## **1. Impact on visual amenity**

General advice on this matter is provided by section 7.0 of the Council's adopted 'Household Alterations and Extensions' SPD. It advises, for example, that extensions should ideally be added to less prominent elevations to reduce visual impact on the street, should generally appear as subservient to the original dwelling and should seek to retain the host dwelling's existing character and appearance. Section 7.2 of the SPD then states that two-storey front extensions will not normally be permitted, although all cases will be considered on their individual merits.

In terms of the relationship between the proposed extension and the host dwelling, it is considered that the front extension would appear as an unsympathetic extension to the property which, rather than being a subservient addition to it, will dominate the dwelling's front elevation, especially given its projection, height and prominent street fronting position. In this regard the proposed extension fails to respect the character and appearance of the host dwelling, instead appearing as an unduly large and incongruous addition to the property.

The extension would also fail to relate satisfactorily to the context of the wider street scene. The dwellings within the immediate row of dwellings on the south side of Meadow Close are characterised by their general uniformity and a well-defined building line along the front elevations. There are no design features or similar forms of development elsewhere in the surrounding street scene which present any comparable features, or seek to offer any visual validation for the design of the extension.

At the rear the extension is shown to project 1 m from the rear elevation. Whilst it would be visible from public view its projection is limited and the rood design, with its hipped end, helps to provide a subordinate form of development that is in keeping with the host dwelling and does not unduly interfere with the character of the wider street scene.

The adopted SPD, above, recommends that two storey side extensions should not represent more than 50% of the existing width of the dwelling and be designed with a setback at first floor level and a dropped ridge in order to create a subordinate form of development and to prevent a terracing effect. In this case the dwelling lies adjacent to public open space and there is no opportunity to create a terrace effect given the absence of a dwelling along its west side. Further, in design terms there are no dropped ridges elsewhere in the immediate locality, rather a regular and uniform pattern of development that would be maintained by the proposed design of the extension in relation to its roof form.

In light of the above, it is considered that the proposed front extension fails to respect the character and appearance of the host property and the form and pattern of existing development found in the locality. The extension would appear as an obtrusive and incongruous feature within the street scene, to the detriment of the visual amenity of the locality. The proposal fails to comply with the requirements of aforementioned policy B2 of the Council's adopted UDP, section 7.2 of the adopted 'Household Alterations and Extensions' SPD and the core principles and paragraphs 56 and 64 of the NPPF.

## **2. Impact on residential amenity**

The extension would be situated some distance away from neighbouring dwellings and would not cause harm to existing levels of light outlook or privacy.

In this regard, there would be no conflict with the requirements of policy B2 of the Council's UDP, the 'Household Alterations and Extensions' SPD and the core principles of the NPPF.

## **CONCLUSION**

In situations where an unacceptable development is proposed by a planning application, the Council's practice is to invite the applicant to amend the proposal in a manner which will allow the Council to grant planning permission. In this case, however, the applicant declined to amend the application, preferring to retain the option to appeal, should planning permission be declined.

As set out above, it is considered that the size, scale and position of the proposed extension is unsympathetic to the host property and would have an unacceptable impact on the visual amenity of the area. As such, the development fails to comply with the requirements of the core principles and paragraphs 56 and 64 of the NPPF, policy B2 of the Council's adopted Unitary Development Plan and the relevant parts of the Council's adopted 'Household Alterations and Extensions' SPD. The application is consequently 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

**Reasons:**

- 1 The proposed two storey extension to the front of the dwelling, due to its size, scale and position, would breach an established building line and appear as an unsympathetic addition to the subject property. It would be an incongruous and intrusive feature which is uncharacteristic of the street scene of Meadow Close. The development will therefore be detrimental to the visual amenity of the locality, in conflict with the requirements of the core principles and paragraphs 56 and 64 of the NPPF, policy B2 of the City Council's adopted UDP and the aims and objectives of the City Council's adopted 'Household Alterations and Extensions' SPD.