

DEVELOPMENT PLAN

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

Unitary Development Plan - current status

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

STANDARD CONDITIONS

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

SITE PLANS

The site plans included in each report are illustrative only.

PUBLICITY/CONSULTATIONS

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

LOCAL GOVERNMENT ACT 1972 – ACCESS TO INFORMATION

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

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

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

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

Peter McIntyre

Executive Director Economy and Place

Reference No.: 17/01206/FUL Full Application

Proposal: **Change of use from B1,B2 and B8 to D2 leisure use for a small fitness facility.**

Location: 20 Stirling Close Pattinson South Washington NE38 8QD

Ward: Washington East
Applicant: Mr Peter Hartley
Date Valid: 1 November 2017
Target Date: 27 December 2017

Location Plan



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PROPOSAL:

The proposal is to change the use of the unit from B1, B2 and B8 to a leisure facility. At the time of the site visit a fascia sign had been erected to the front of the unit, above the roller shutter door. There was no sign at the time that the use had implemented as the roller shutter was closed.

SITE

The site relates to an industrial unit at 20 Stirling Close, Pattinson South Industrial Estate. The unit is situated to the west of the close accessible from Station Road and east of Wilden Road and the total area of the unit is 153.4 square metres.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Network Management
Washington East - Ward Councillor Consultation
Network Management
Washington East - Ward Councillor Consultation
Business Investment

Final Date for Receipt of Representations: **10.01.2018**

REPRESENTATIONS:

PUBLIC CONSULTATION

The application has been subject to public consultation of the surrounding properties and site notice erected at the site, with one representation received from an adjoining unit, which sets out the following issues:-

- It has been a hindrance with regard to access for vehicles and affects the day to the day to day running of the unit as their unit operates 24/7 working for Northern Powergrid;
- No place for a gym due to the current needs of current tenants e.g. deliveries etc. making it a health and safety issue;
- Believe there are better suited estates to run a gym;
- Several other occupants on the estate feel the same and we fear this will affect our business financially, something which we can't afford to happen.

BUSINESS INVESTMENT

Teal Fitness appears to be a good business, providing a useful local service. However, a neighbouring company has indicated that the fitness facility has a serious impact on its business and as such they have objected.

They have commented that it is an unsustainable location for leisure uses, meaning that users are typically travelling by car, causing parking issues that are impacting on neighbouring units. I note that the fitness facility operates at off-peak times (early morning and evening), but it nonetheless appears to be having a significant impact on at least one neighbouring company, which operates on a 24/7 basis.

General concern relating to leisure uses encroaching on industrial estates, reducing the availability of units for authorised uses (those that fall within the B1, B2 and B8 use class parameters). Despite their age, the units on Stirling Close currently enjoy a high level of occupancy, due to a combination of competitive pricing, strong demand and a shortage of available alternatives.

NETWORK MANAGEMENT

In response to consultation, the City Council's Network Management team noted that clarification should be forwarded regarding the number of car parking spaces available, number of staff and visitors and a timetable of classes. The applicant confirmed that one member of staff was employed and classes were low in numbers and at times when most of the other units were closed and parking is sufficiently accommodated without any interruption to other units.

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 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 is the principle that the planning system should always seek to proactively drive and support sustainable economic development, with every effort made to objectively identify and then meet the housing, business and other development needs of an area and respond positively to wider opportunities for growth, taking into account market signals. The planning system should also encourage the effective use of land by re-using land that has been previously developed. More specific guidance of the NPPF is referred to, where relevant, throughout this report.

The relevant guidance of the NPPF detailed above feeds into policies EC2, 4,9, WA1, T14 and T22 of the City Council's adopted Unitary Development Plan (1998), which are consequently considered to be pertinent to the determination of this application.

Reference is also made in this section of the report to policies within the Council's emerging Core Strategy and Development Management Policies Development Plan Document (DPD). This document is currently at Consultation stage, and as such, the policies referred to can only be given limited weight in the determination of the planning application, but they do provide an indication of how the Council's approach to considering this type of planning application is likely to take shape in the next few years.

With regard to the above, it is considered that the main issues to consider in the determination of this application are as follows:

1. The land use allocation of the proposal site;
2. The principle of the proposed change of use;
3. The impact of the proposed use on the existing employment area;
4. The appropriateness of a town centre use in an out-of-centre location;
5. The impact of the proposed development on highway and pedestrian safety;

1. Land use allocation of the proposal site

The subject building is situated within an area allocated for economic development by the proposals map of the City Council's adopted Unitary Development Plan (1998). Policy EC4 of the UDP states that within existing areas, uses falling into use classes B1 (offices and businesses), B2 (industry) and B8 (storage and distribution) are most appropriate. Possible ancillary uses where required to meet the needs of each site are identified as use class A1 (shops up to 50sqm), use class A2 (offices where services are provided for the general public), use class A3 (food and drink outlets), use class C1 (hotels), use class D1 (community facilities), use class D2 (assembly and leisure) and open space.

Policy

WA1.4, meanwhile, identifies the specific sites within Washington to which policy EC4 is applicable. It states that uses falling within classes B1, B2, and B8 are considered to be most appropriate within the Pattinson South employment site.

In accordance with the above, uses falling into class D2 (assembly and leisure) are only normally appropriate where they are to provide an ancillary facility to the primary use(s) of the site.

The Council's UDP was adopted some time ago, but the area in which the subject property stands is continued to be identified as an established 'Key Employment Area' by the aforementioned emerging Core Strategy and Development Plan. This designation is based upon the most up-to-date employment land assessments available to the Council.

Draft policy EP2 of the draft Core Strategy and Development Plan identifies the Pattinson South employment area as one to be safeguarded for B1 (Business - excluding B1a), B2 (General Industrial) and B8 (Storage and distribution) employment use.

The proposed development has been advertised as a departure from the development plan.

2. Principle of the proposed change of use

The proposed use of the premises for a use falling within use class D2 of the Order does not strictly accord with the list of land and property uses considered to be most appropriate within this employment area, as set out by policies EC4 and SA1 of the UDP and policy EP3 of the draft Core Strategy and Development Plan. As such, consideration must be given to the merits of the proposed change of use.

The NPPF provides the most up-to-date planning policy framework for the consideration of proposals involving non-employment uses in locations where employment-related uses are the most appropriate. In this regard, paragraph 22 of the NPPF recommends the regular review of land use allocations (the most recent of which informed aforementioned policy EP2 of the Council's draft Core Strategy and Development Plan) and discourages the long-term protection of employment land where there is no reasonable prospect of it being used for such purposes. In

such cases, applications for alternative uses of land or buildings should be treated on their merits, having regard to market signals and the relative need for different land uses to support sustainable local communities.

Consequently, and having regard to the advice of paragraph 22 of the NPPF, it is considered that an alternative use of the premises which does not necessarily comply with the primary list of acceptable uses provided by the aforementioned UDP policies and policies of the draft Core Strategy and Development Plan, may be broadly appropriate in this instance.

In order to determine whether the proposed use of the building is acceptable, however, all other relevant material planning considerations must first be satisfactorily addressed.

3. Impact of proposed use on remaining employment area

Draft policy EP2 of the emerging Core Strategy and Development Plan requires consideration to be given to the effect the introduction of a land use which is not usually appropriate within an employment site may have upon the vitality and viability of the remaining site.

In this regard, it is noted that the character of this part of the employment site is predominantly acceptable uses with the exception of a few leisure uses dispersed throughout the area. The application site represents a very small proportion of the larger employment site in a part of the industrial estate which has allocated and overspill parking facilities. It is also noted that there are other leisure facilities operating within close proximity to the proposal.

As such, the operation of the business is on a small scale and it is considered that the parking requirement can be accommodated within the site and available overspill parking and therefore, in this case, the change of use can be undertaken without having any detrimental impact on the integrity, function and operation of the remaining employment area of Pattinson, in accordance with the requirements of draft policy EP2 of the emerging Core Strategy and Development Plan.

4. Appropriateness of town centre use in out-of-centre location

The proposal involves the change of use of the premises to a main town centre use, as identified by Annex 2 (the Glossary) to the NPPF. Section 2 of the NPPF seeks to ensure the long-term vitality of town centres (a term which also encompasses city centres, town centres, district centres and local centres); to this end, paragraph 24 of the NPPF states that LPAs should apply a sequential test to planning applications for main town centre uses that are not in an existing centre to determine if any more suitable sites are available. Of greatest preference are 'in centre' sites, followed by 'edge of centre' sites and only where no suitable sites are identified should consideration be given to an 'out of centre' location.

As required by paragraph 24 of the NPPF, the applicant has submitted information relating to the rationale for considering this out of town location over other sites in more appropriate town centre locations. The assessment indicates that the business could not be accommodated in the local town centre on account of the floor space required and available parking.

The above assessment is considered to have assessed City Centre locations, in line with the requirements of paragraph 24 of the NPPF. As such, it is considered appropriate to conclude that the site cannot be operated in such a locality or be suitable for the proposed use as a fitness centre.

5. Impact of proposed development on highway and pedestrian safety

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 new development to be afforded an appropriate level of dedicated car parking provision.

In response to consultation, the City Council's Network Management team noted that clarification should be forwarded regarding the number of car parking spaces available, number of staff and visitors and a timetable of classes. The applicant confirmed that one member of staff was employed and classes were low in numbers and at times when most of the other units were closed and parking is sufficiently accommodated without any interruption to other units.

Parking demand will tend to be short term over the duration of a fitness session and extend outside of the trading hours of other nearby operations. Given that the use has been in operation for approximately 6 months without any complaints received as a result of the operation of the business, it is considered that the use is unlikely to lead to conditions that are prejudicial to highway safety.

CONCLUSION

The proposed use of the premises as a fitness centre (use class D2) is not consistent with the list of most appropriate land uses identified for the Leechmere employment site by policies EC4 and SA1.4 of the UDP and draft policy EP2 of the Council's emerging Core Strategy and Development Plan.

However, having regard to the advice of paragraph 22 of the NPPF, as outlined above, it is considered that an alternative use of the premises which does not necessarily comply with the primary list of acceptable uses provided by the aforementioned UDP policies and policies of the draft Core Strategy and Development Plan may be broadly appropriate in this instance. The proposed use of the building as a fitness centre is not considered to have a detrimental impact on the existing businesses and remaining employment land at Pattinson, whilst the use is compliant with the highway and pedestrian safety requirements of policies T14 and T22 of the UDP.

In addition, the applicant has satisfactorily demonstrated that there are no sequentially preferable sites available within Sunderland City Centre or other centres which could reasonably satisfy the particular business model and operational criteria of the applicant. The proposal is therefore also compliant with the requirements of paragraph 24 of the NPPF.

It is consequently considered that in this case, the change of use of the premises to a non-employment use is acceptable. In reaching this conclusion, regard has been had to the core principles of the NPPF which seek to stimulate sustainable economic development and make full use of previously developed sites.

The proposal is considered to be acceptable.

Equality Act 2010 - 149 Public Sector Equality Duty

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

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

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

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

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

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

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

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

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

RECOMMENDATION:

Director of Economy and Place to report subject to further information received regarding opening times.

Reference No.: 17/01872/FUL Full Application

Proposal: Erection of two bed dwelling.

Location: Land at Station Road Washington

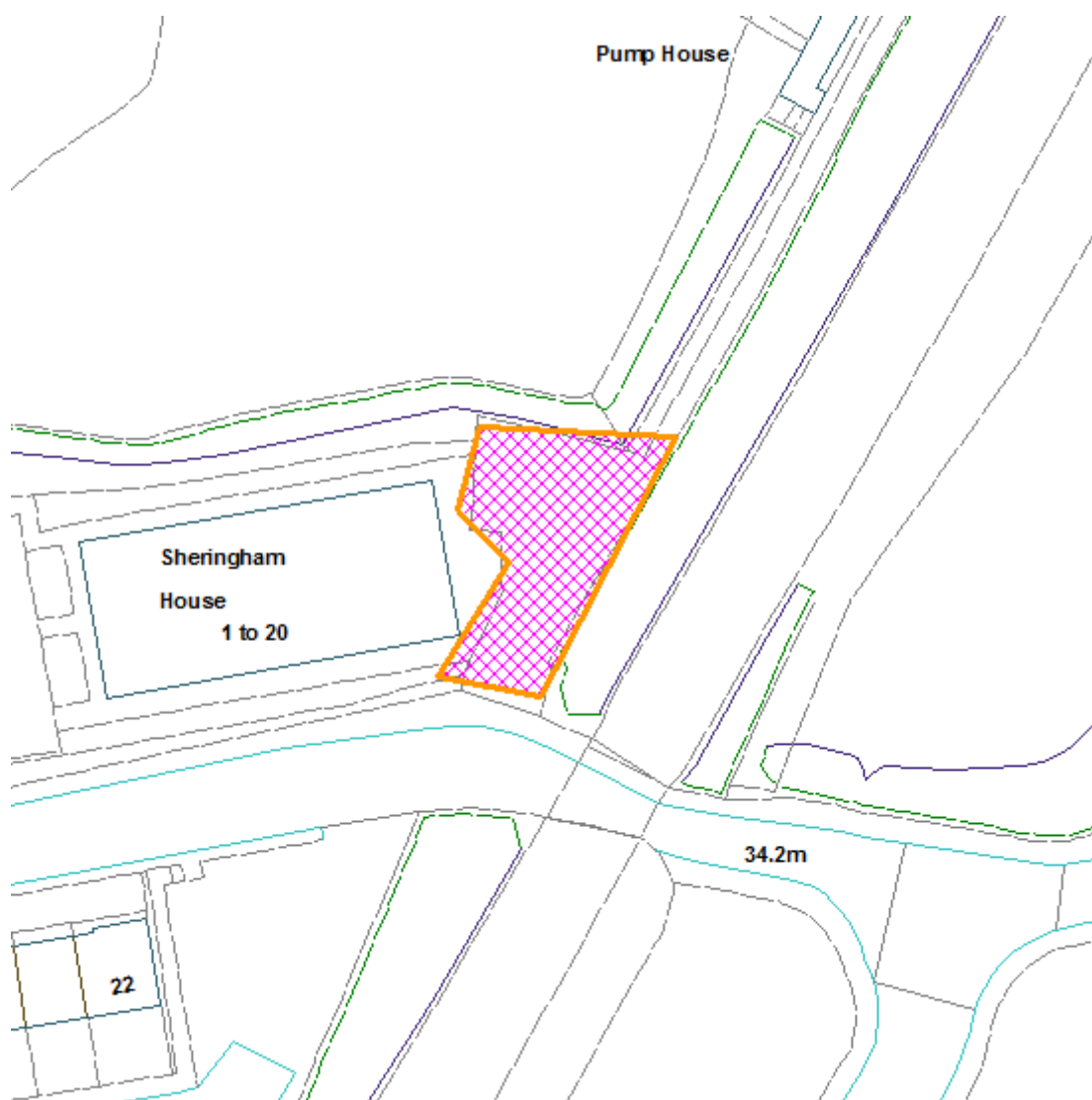
Ward: Washington East

Applicant: Mr Robert Wales

Date Valid: 22 December 2017

Target Date: 16 February 2018

Location Plan



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PROPOSAL:

SITE DESCRIPTION

The proposed development affects a roughly triangular piece of land located on the south side of the reservoir within Washington known as 'Willows Pond'. The application site is adjacent to the residential Sheringham House to the west, and a track located to the south-east side which sits below the Leamside Line embankment. There are also dwellings opposite the site to the western and north-eastern shores of the reservoir.

PROPOSED DEVELOPMENT

The proposed dwelling is two-storey and would have a ground floor footprint of approximately 56.25m². The dwelling would be characterised by a balcony to the front of the property which would overhang 'Willows Pond'. There would be a limited amount of amenity space around the property and no in curtilage parking is proposed.

It is proposed to provide two parking spaces which would be located to the west of the dwelling, a distance of approximately 56 metres from the site, and that access to the dwelling would be taken from Station Road and along the footpath to the north of Sheringham House.

It is also proposed to remove a number of trees on and adjacent to the site. The Council's records indicate that there are a number of trees within and immediately adjacent to the enquiry site which are formally protected by Tree Preservation Order 128.

It should be noted that the agent provided an amended location plan on the 08.02.18 which includes the pathway to the north of Sheringham House and the proposed parking area to the west of the site. The Agent has confirmed that certificate B has been served on the adjoining owners of Sheringham House.

RELEVANT PLANNING HISTORY

Planning permission was granted in 2006 for the use of the existing reservoir and adjoining land as a trout/pike lake, with associated development including a lodge, wardens' accommodation, snack and tackle shop, WC and education room, a car park, new ponds, jetties, footpaths and fencing (application ref. 05/03963/SUB).

This permission was not implemented within the 5-year period set by condition 1 of the approval and a subsequent application to extend the time period for implementation by an additional 3 years was refused in January 2014 (application ref. 11/03177/EXT1).

TYPE OF PUBLICITY:

Site Notice Posted
Neighbour Notifications

CONSULTEES:

Tyne and Wear Archaeology Officer
Network Management
Washington East - Ward Councillor Consultation

Northumbrian Water
Northern Electric
Environmental Health
Network Management
Washington East - Ward Councillor Consultation
Northumbrian Water
Northern Electric
Environmental Health

Final Date for Receipt of Representations: **08.02.2018**

REPRESENTATIONS:

County Archaeologist - No archaeological work required.

Heritage Team

No decision can currently be made on the proposal as the submitted details are insufficient for a reasonable assessment to be made.

Highway Engineers

Recommend consideration of refusal given the remoteness of the parking spaces from the site.

Northumbrian Water

Noted that a public sewer crosses the site which may be affected by the proposed development.

Northern Power Grid

No objection to the application, subject to their rights of access remaining unaffected, in relation to the maintenance, replacement or renewal of apparatus.

Public Health

Proposal is acceptable subject to appropriate conditions.

Public consultation

Letters of objection have been received from the occupiers of nos. 6, 7, 8, 9, 10 and 11 The Willows and Miss C Grogan, Mrs C McMullan and Mr and Mrs Richardson who are adjacent land owners.

The letters of objection to the application raise the following concerns:

- The ownership of the land;
- The potential future development of the site;
- The impact of the development on visual amenity as the proposal 'is inappropriate and unsympathetic to the appearance and character of the local environment' and the balcony is 'out of context';
- The impact of the development on residential amenity in particular with regard to limited outdoor space and privacy;
- The impact of the development on residential amenity during the construction phase.
- The unsuitability of access to the proposed dwelling;
- The potential for the development to result in off-site visitor parking to the detriment of surrounding properties and road safety;
- The increase in flooding caused by the development;
- The impact of the development on local wildlife and protected species;

- The impact of the development on the surrounding trees;
- The requirement for the safe removal of Japanese knotweed;
- The 'inconsistencies, inaccuracies and inadequacies' of information provided;

With regard to the concern relating to ownership of the site, the express consent of the owners of the site would need to be obtained prior to development. This would be a civil matter between the owners of the land and could not be considered as part of the planning application.

In relation to the future development of the site any proposal that would require planning permission would be considered on its own merits once submitted.

With reference to flooding the site does not fall within a flood risk zone, is not in a critical drainage area and does not constitute 'major development' therefore a flood risk assessment would not be required in this instance. Concerns have been raised with regard to the potential for flooding to be increased given that "the safety release mechanism for the reservoir (is) being built upon directly" and the "poor maintenance of the "overflow on the eastern side of the lake". However these matters primarily relate to ongoing appropriate maintenance of the reservoir, rather than specific flood risk issues, and any such concerns would have to be addressed privately and not as part of the planning process.

The other concerns which have been raised will be addressed within the following report.

POLICIES:

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

B_2_Scale, massing layout and setting of new developments

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

T_22_Parking standards in new developments

CN_21_Developments affecting designated / proposed LNR's, SNCI's or RIGS

CN_22_Developments affecting protected wildlife species and habitats

CN_17_Tree Preservation Orders and replacement of trees

COMMENTS:

RELEVANT POLICY BACKGROUND

In order to 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 Residential Design Guide 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 National Planning Policy Framework (NPPF) provides the current Government's national planning policy guidance and development plans must be produced, and planning applications determined, with regard to it. The NPPF sets out a series of 12 'core planning principles' which underpin plan-making and decision-taking and are considered to contribute to the over-arching aim of delivering sustainable development. Particularly relevant in this case are the principles that development should always seek to secure a high quality design and a good standard of amenity; should proactively drive and support sustainable economic development and the supply of housing and should encourage the effective re-use of land and property.

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

With regard to highway safety, meanwhile, paragraph 32 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe.

With regard to biodiversity paragraph 118 states that planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and loss of aged veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss.

The relevant guidance of the NPPF detailed above feeds into policies H1, H8, B2, CN21, CN22, T14, T22 and EN14 of the City Council's adopted Unitary Development Plan (1998).

Policy H1, states that new housing will be provided which caters for need, assists in the regeneration of existing residential areas and secures the re-use of vacant and derelict land wherever possible, whilst policy H8 states that housing applications on 'windfall' sites (i.e. sites not formally allocated for housing by the UDP) must normally accord with other relevant policies and proposals of the Plan.

Policy B2 is also relevant and it requires all new development proposals to respect and enhance visual and residential amenity. Policies CN21 and CN22, meanwhile, seek to ensure that new development will not detrimentally impact upon local nature reserves and animal and plant species protected by law and their habitats.

Furthermore, policies T14 and T22 seek to maintain acceptable levels of highway and pedestrian safety and provide new developments with appropriate levels of dedicated car parking respectively. In addition, policy EN14 states that where a development site is potentially contaminated, the Council will require the applicant to carry out adequate investigations and provide suitable mitigation measures before granting planning permission.

Policy CN17 of the UDP is also applicable in this instance given the protected trees on site. The policy sets out that 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 and replacing trees in highways and other public areas, with species that help maintain the character of the

locality. The retention of trees, hedges and landscape features in all new development will be required where possible.

With regard to the above relevant national and local planning policies, it is evident that the main issues for consideration in the determination of this application are as follows:

- the principle of the development;
- the impact of the development on visual amenity;
- the impact of the development on residential amenity;
- the impact of the development on highway and pedestrian safety;
- the impact of the development on ecology;
- the impact of the development on trees;
- land contamination implications

1. Principle of development

Willows Pond and much of its immediate surroundings form part of an area of open recreational space which serves the nearby Barmston village and policies L1, L5 and WA14 of the Council's adopted Unitary Development Plan (1998) seek to maintain and improve the area as such. The plot on which the dwelling is proposed to be built is, however, excluded from the area of allocated open recreational space and, in fact, is not covered by any specific land use allocation.

In these circumstances, policy EN10 of the UDP is applicable and this essentially requires new development proposals at unallocated sites to maintain, and be compatible with, the prevailing pattern of land use in the neighbourhood. The plot in question is located immediately adjacent to the residential Sheringham House, whilst there are also dwellings to the western and north-eastern shores of the reservoir. As such, a residential use of the plot would not necessarily conflict with the prevailing pattern of land use, in accordance with policy EN10's requirements.

It is also considered that the proposal accords with the provisions of policies H1 and H8 in that it would secure the reuse of vacant land on a 'windfall site'.

Notwithstanding this view, the acceptability of the proposed development can only be determined once consideration has been given to all the material planning issues raised by the scheme. The relevant planning considerations are addressed in turn below.

2. Impact of development on visual amenity

The plot on which the dwelling is proposed is located immediately to the east of the gable end of Sheringham House and is bordered by the shore of Willows Pond on its north side and the track below the embankment of the Leamside Line to its south-east side. It is a small plot of an irregular shape and is heavily constrained by the aforementioned existing built development and other natural and man-made features.

The erection of a dwelling on the site would, it is considered, result in development which appears to be 'squeezed' into a highly constrained plot. It is considered that the proposed dwelling would not sit comfortably with the established pattern of built development in the locality or relate satisfactorily to its surroundings, instead appearing as incongruous and intrusive.

In addition to the above, the proposed parking arrangements give cause for concern from a visual amenity point of view. It is unclear as to exactly how the spaces will be constructed, but

nevertheless, the current proposals indicate that they will project beyond the existing boundary of Sheringham House's car park and into the area of open space/shoreline behind the fence. Such an incursion from the existing car park and into the open space would appear as incongruous and visually intrusive.

It is therefore considered that the development would be detrimental to the visual amenity of the area and consequently fails to accord with the requirements of policy B2 of the UDP and the core principles of the NPPF in this regard.

3. Impact of development on residential amenity

The new dwelling would stand immediately adjacent to the blank gable end of Sheringham House and as such, is not anticipated to result in any substantial harm to the amenity of residents of the building. Concerns have been raised with regard to access along the footpath running along the northern elevation of Sheringham House. However, it is considered that the comings and goings from one dwelling would not be of such frequency that the residential amenity of the residents within Sheringham House would be negatively impacted upon.

With regard to privacy it is considered that Sheringham House would not experience overlooking in relation to the proposed dwelling, and given the distance to the properties bordering the reservoir at the Willows, it is considered that the privacy of these residences would not be negatively impacted by the proposal.

The proposed floorplans demonstrate that the dwelling would be afforded rooms of a reasonable size and that main living areas would benefit from middle- to long-distance views, particularly across the reservoir. With regard to external amenity space, it is noted that the dwelling is proposed to be afforded a balcony and a platform extending out beyond the shore of the reservoir.

Whilst these would provide a degree of usable external amenity space, the garden space available within the rest of the plot will be very limited in area. Despite comments from the Agent received on the 29.01.18 stating that "The reality is (the) house would have access to the whole lake, as well as the area ending with pump house, to be usable amenity spaces", this space would not form part of the dedicated curtilage of the dwelling and therefore would not be considered to contribute to the dwellings amenity space.

In addition, given that the plot is flanked by the gable end of Sheringham House on its west side and is also bordered by mature trees and the embankment of the Leamside railway line, the garden space will receive little natural daylight and sunlight and be heavily 'enclosed' and overshadowed at various times of the day by surrounding built development and natural and man-made features. The relationship between the site and its immediate surroundings will also serve to limit the amount of daylight and sunlight reaching the dwelling itself.

Further to the above, it is observed that the parking space(s) to be provided for occupiers of the dwelling will be remote from the plot, as they are proposed to be located off the car park to the west side of Sheringham House. The remoteness of the spaces from the dwelling would be a highly impractical arrangement and of detriment to the amenity of occupiers.

With regard to the above, it is considered that whilst the development will not result in any significant harm to the amenity of existing residential properties, occupiers of the new dwelling will be afforded a poor standard of living, in conflict with the requirements of the core principles of the NPPF and policy B2 of the UDP.

4. Impact of development on highway and pedestrian safety

In response to consultation the Councils Network Management Team has expressed concern with regard to the proximity of the parking bays to the reservoir's edge, the potential loss of parking within Sheringham House's car park and given the distance to the nearest highway, the storage and servicing of waste and the method by which construction vehicles will access the site.

The agent confirmed on the 29.01.18 that there would be no loss of parking in relation to the car park in Sheringham house and provided further information on the 08.02.18 relating to waste storage and servicing and some detail of construction methods.

The agent has provided a further statement on the 02.03.18 with regard to highways and parking issues and this was passed to the Council's Network Management Team for their consideration and comment.

The Network Management Team stated on the 15.03.18 that their previous comments still apply; they have also stated that craning of building material onto the site from Station Road would cause a highway safety conflict with the safe passage of vehicles beneath the bridge on Station Road.

The applicant provided comment on the 29.03.18 that no materials will be craned onto the site from Station Road and that all works will be carried out from within the carpark of Sheringham House.

It is considered that the concerns raised by the Network Management Team have been addressed by the applicant and detail of construction methods could be conditioned as part of any approval.

The remoteness of the proposed parking spaces and the impracticality of these spaces being utilised in relation to the proposed dwelling is still a matter of concern, however the proposed development is considered unlikely to lead to conditions that are prejudicial to highway and pedestrian safety and therefore complies with policies T14 and T22 of the UDP.

Given the above, it is considered that subject to conditions, the implications of the scheme in relation to highway and pedestrian safety would be acceptable.

5. Impact of development on ecology

Two ecological reports have been submitted with the application; the ecology report undertaken by Argus Ecology on the 8th September 2016 is the most recent, and therefore it is this report that the Councils Ecology Officer has considered.

The Ecology Officer has noted that the report has not mentioned that the adjacent lake is currently a Local Wildlife Site. It does however state that 50% of the proposed development site has Japanese knotweed present. This plant is listed within Schedule 9, section 14 of the Wildlife and Countryside Act 1981, and as such it is an offence to plant or otherwise cause the species to grow wild. In addition it is also classed as 'controlled waste' and as such must be disposed of safely at a licenced landfill site according to the Environmental Protection Act Regulations 1991.

Although general information on the removal of Japanese knotweed has been provided within the Arboricultural Method Statement, detailed information would need to be supplied regarding the control and treatment of the weed in relation to the proposed site.

The ecology report states that the trees present on site have a medium/high risk of supporting roosting bats and that no trees are to be felled as a result of the development. However, the Arboricultural Impact Assessment provided by All About Trees states within section 4.4 that all of the trees on site would need to be removed to facilitate the development.

If the trees were to be removed, further studies would need to be undertaken to ascertain the full ecological impact of the development.

The Council's Ecologist concluded that the submitted details are insufficient for a reasonable assessment to be made at this stage. The agent was invited to provide further information on the 29.01.18 and a further statement was provided on the 08.02.18.

The Council's Ecologist has assessed the statement and spoken with the applicant's ecology consultant, the author of the report dated 8th September 2016. Following this it is considered that the issues relating to Japanese knotweed and the ecological impact of the tree removal could be conditioned should the application be deemed acceptable.

A concern with regard to the potential impact of the development in relation to the swans on site was raised by a Mr Wilson on the 04.04.18. The Council's Ecologist has stated on the 04.04.18 that unless the swans happen to be breeding on site the land is not protected from development and it would be unreasonable to request further survey work to establish this. Mr Wilson provided further comment on the 08.04.18 and the 11.04.18 stating that swans breed every year and that the ecological survey dated Oct 24th 2017 states that swans nests and breeding swans have been observed.

However, it is considered that any approval could be conditioned to ensure that building work would not commence until further information relating to breeding swans on site had been submitted.

Given the above, it is considered that subject to conditions, the implications of the scheme in relation to ecology would be acceptable.

6. Impact of development on trees

The tree report submitted by All About Trees states that all trees on site are to be removed, a proposal which has been confirmed by the agent on the 08.02.18. The report goes on to state that the trees to be removed are of low quality and have a remaining lifespan of approximately 10 years. It is proposed that trees T1 to T6 situated within the application site would be required to be removed to facilitate development.

It is noted that the trees within Group 1 are not protected and are located some distance from the application site itself. The removal of these trees therefore would not be considered as part of this application.

As set out earlier in the report, there are trees within the site which are afforded full protection by Tree Preservation Order 128. These are the Willow tree referred to as T6C and the Hawthorn tree referred to as T5C within the Arboricultural Impact Assessment. Although the remaining trees 1-4 are not afforded similar protection given that they are within the application site, their removal must still be considered with regard to the impact on the surrounding area.

In the statement provided on the 02.03.18 the agent has stressed the poor physical condition of the protected trees on site. The tree reports have therefore been passed to the Council's Arboricultural Officer to provide comment.

The Council's Arboricultural Officer has provided comment on the 10.04.18. He noted that trees 1-4 have been felled. With regard to the protected willow trees he noted that they could be pollarded to prolong their life and allow low level stems for wildlife, however this could be seen as an excessive and drastic measure.

Notwithstanding the current physical condition of the protected trees at the site, it is considered that the trees currently contribute positively to the visual amenity of the area and help to define the character and setting of the reservoir, and could continue to do so for a number of years. Moreover, it is considered that the development of a single dwelling does not bring about benefits, in terms of housing delivery, for example, which would justify the removal of the trees. Consequently, it is considered that the loss of the protected trees at the site would have an unacceptable negative impact on the character and amenity of the area, in conflict with the objectives of policy CN17 of the UDP.

7. Land contamination implications

The applicant has submitted a Phase One Desktop Study with reference to ground conditions and possible contaminants. The Council's Public Protection and Environmental Services have commented as below and stated that subject to the use of suitable conditions the proposal would be considered acceptable.

They state that the Phase I Desk Study indicates that land contamination is not likely to be a significant constraint to development provided that conditions for a Phase II, Remedial Strategy/verification plan and Verification Report are attached to any granted consent, in addition to conditions for unexpected contamination and an UXO risk assessment.

Furthermore they state that a construction management plan would be required in order to ensure the environmental impact of the construction and demolition of the development is adequately managed and mitigated, and in the interests of the amenity of nearby residents/occupiers in the vicinity of the site. The 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

Given the above, it is considered that subject to the recommended conditions, the implications of the scheme in relation to construction practices and land contamination will be acceptable.

CONCLUSION

Although the principle of the proposed development is considered to be broadly appropriate in land use terms, the scheme raises significant planning concerns. In particular, it is considered that the development will cause harm to the visual amenity of the locality, including through the loss of protected trees, whilst the amenity to be afforded to prospective residents of the dwelling will also be poor, including in relation to the proposed parking arrangements. The proposals therefore conflict with the requirements of the core principles of the NPPF and policies B2 and CN17 of the Council's UDP in this regard.

It is consequently recommended that the application is refused planning permission.

EQUALITY ACT 2010 - 149 PUBLIC SECTOR EQUALITY DUTY

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

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

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

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

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

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

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

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

RECOMMENDATION: REFUSE, for reasons set out below.

Reasons:

1 The proposal would not sit comfortably with the established pattern of built development in the locality or relate satisfactorily to its surroundings, and would instead appear as an uncharacteristic and incongruous form of development to the detriment of the visual amenity of the area. The proposal would also result in the loss of a number of trees, including 2 no. protected trees (1 no. Willow and 1 no. Hawthorn) on site, to the detriment of the visual amenity of the local area. The proposal is therefore contrary to policy B2 and CN17 of the adopted Unitary Development Plan and the core principles and paragraph 118 of the NPPF.

2 The proposed dwelling will afford prospective residents with a poor standard of amenity with regard to overshadowing, the poor quality of the proposed private external amenity space and the location of the proposed parking space and as such is in conflict with the requirements of policy B2 of the Council's adopted Unitary Development Plan and the core principles of the NPPF.

Reference No.: 18/00292/TP3 Tree Preservation order LAP Reg 3

Proposal: **T49 (Sycamore) - Remove small lower limb, T51 (Sycamore) - Remove small lower limb, T53 (Sycamore) - Remove 2no. small lower limbs, T56 (Sycamore) - remove lower limb, T58 (Sycamore) - Remove lower limb. Fell 1no. sycamore tree directly to front of T56 (No TPO but covered by conservation area)**

Location: Saint Michaels Church Church Street Houghton-le-Spring DH4 4DN

Ward: Houghton

Applicant: Sunderland City Council

Date Valid: 9 February 2018

Target Date: 6 April 2018

Location Plan



PROPOSAL:

Consent is sought for works to 5no. Sycamore Trees protected by Tree Preservation Order 127. The trees in question are located within the grounds of Saint Michaels Church which is situated within Houghton Le Spring. The trees are located to the north of the site overhanging the road to the rear of Broadway House.

It is also proposed to remove 1no. Sycamore Tree within the same location, this tree is not subject to a Tree Preservation Order but is afforded a degree of protection by virtue of the location of the site within Houghton Saint Michaels Conservation Area.

The application has been submitted by the City Council and affects land in its ownership and for this reason the application falls to be determined by the Sub-Committee.

The submission sets out that the works to the 5no. Sycamore trees would increase the light over the road and reduce falling branches. The removal of the 1no. Sycamore Tree would be a means of preventing future failure of this tree.

It is proposed to carry out the following works to trees within the grounds of Saint Michaels Church:

T58 - Sycamore - remove lower limb over road
T56 - Sycamore - remove lower limb over road
T53 - Sycamore - remove 2no. small lower limbs over road
T51 - Sycamore - remove 1no. small lower limb over road
T49 - Sycamore - remove 1no. small lower limb over road
Fell 1no. Young Sycamore

TYPE OF PUBLICITY:

Site Notice Posted

CONSULTEES:

Houghton - Ward Councillor Consultation

Final Date for Receipt of Representations: **06.04.2018**

REPRESENTATIONS:

This application has been publicised by means of a site notice and no representations have been received.

POLICIES:

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

CN_17_Tree Preservation Orders and replacement of trees

COMMENTS:

The main issue to consider in this instance is the impact of the proposed works on the character, appearance and amenity value of the area.

Policy CN17 of the adopted Unitary Development Plan (UDP) is applicable in this instance, which states that the Council will encourage the retention of trees which make a valuable contribution to the character of an area by the making of Tree Preservation Orders and replacing trees in highways and other public areas, with species that help maintain the character of the locality.

In this case, it is proposed to carry out works to 5no. trees subject to TPO 127. The Council's Arboricultural Officer has examined the trees on site, and considers that the works are appropriate to ensure that the number of falling branches onto the adjacent road will be reduced and that light onto this section of road will be increased

This maintenance work is therefore considered to be acceptable and is not considered likely to impact upon the long-term health or amenity value of the trees.

The young Sycamore tree is not subject to a Tree Preservation Order but is afforded a degree of protection by virtue of the location of the site within Saint Michaels Conservation Area. In the assessment of the proposal to fell this tree, the main issues to be considered are the following:

- 1) The amenity value of the tree
- 2) Can a Tree Preservation Order be justified?

As stated above Policy CN17 of the UDP encourages the retention of trees which make a valuable contribution to the character of an area by the making of a TPO.

In considering notifications of works to trees in a Conservation Area, the Local Planning Authority has the option to give trees full protection by instigating a Tree Preservation Order. In cases where the proposed works represent good practice and tree management, even if the trees are considered worthy of TPO status, the LPA may not consider it expedient to initiate a TPO.

The Council's Arboricultural Officer has assessed the tree on site and given the condition of the tree considers that removal is essential to prevent future failure of the tree, and potential damage to the surrounding area.

Furthermore, upon completion of the removal, it is not considered that the visual amenity of the area will be compromised given the location of the tree.

For the above reasons it is not considered necessary to warrant the full protection of the tree via a TPO in this instance.

CONCLUSION

For the reasons set out above, the proposed tree works are considered to be acceptable and compliant with the requirements of policy CN17 of the UDP. It is therefore recommended that Members grant consent under Regulation 3 of the Town and Country Planning (General Regulations) 1992 (as amended) for the proposed tree works, subject to the conditions set out below.

Equality Act 2010 - 149 Public Sector Equality Duty

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

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

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

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

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

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

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

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

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

RECOMMENDATION: GRANT CONSENT under Regulation 3 of the Town and Country Planning (General Regulations) 1992 (as amended), subject to conditions below:

Conditions:

1 No tree shown to be retained on the approved plans shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 "Tree Work", in the interests of visual amenity and to comply with policy CN17 of the UDP.

2 This permission shall be for a limited period of 2 years from the date hereof and the works shall not be undertaken after the expiry of the period specified to ensure the protection of the amenity value of the tree and to comply with policy CN17 of the UDP.

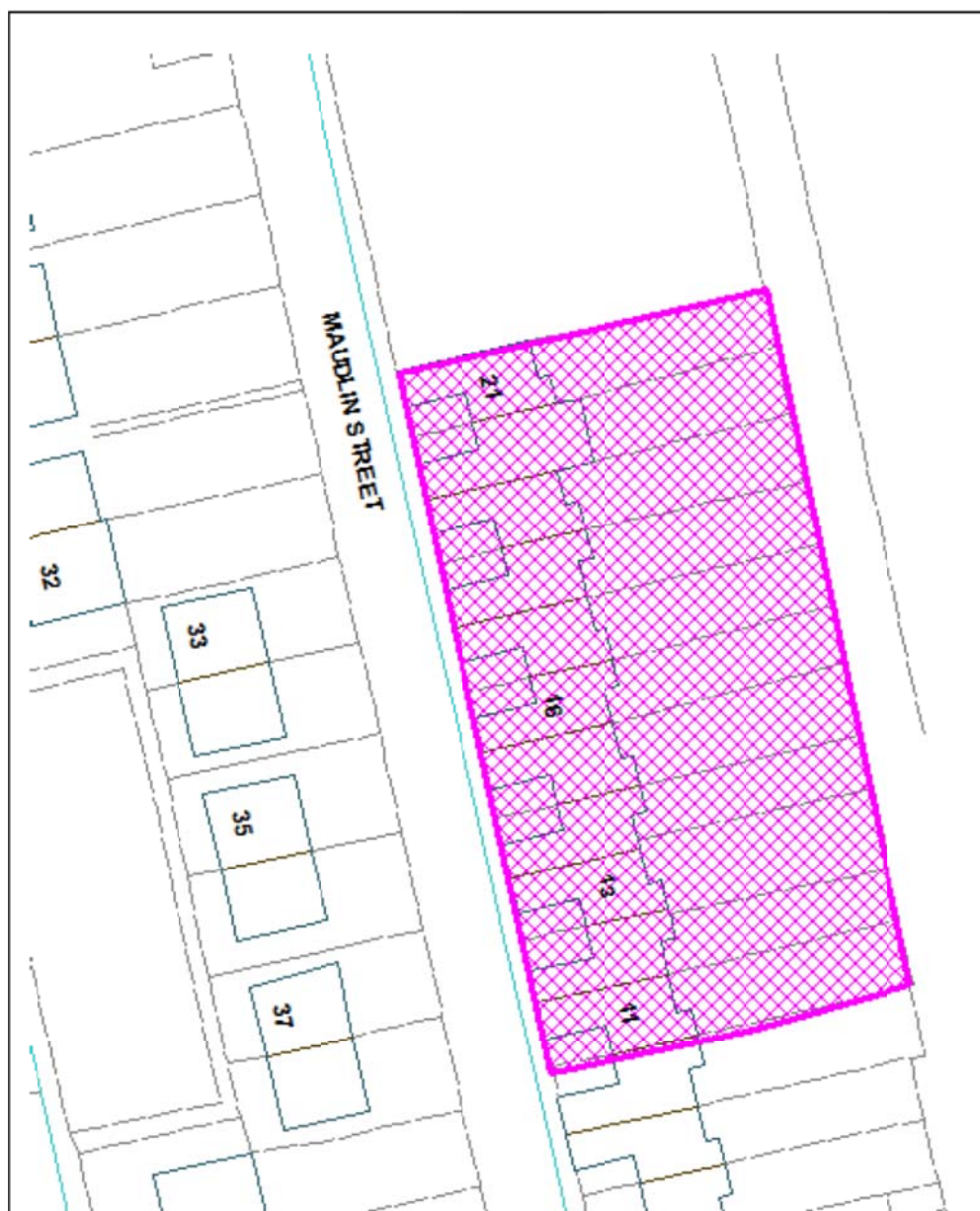
Reference No.: 18/00350/LP3 Local Authority (Reg 3)

Proposal: **Demolition of 10 terraced houses (12-21 Maudlin Street) and structural strengthening works to 11 Maudlin Street**

Location: 11 - 21 Maudlin Street Hetton-le-Hole Houghton-le-Spring DH5 9BG

Ward: Copt Hill
Applicant: Sunderland City Council
Date Valid: 27 February 2018
Target Date: 29 May 2018

Location Plan



PROPOSAL:

Site Description

This application relates to the northern section of a two-storey residential terrace which slopes downward from south to north. The site forms the eastern extent of the residential estate which includes two-storey semi-detached properties in Lindsay Street to the west and single-storey dwellings in Low Downs Square to the north. The site of Eppleton Quarry lies immediately to the east and a new residential development by Gleeson Homes exists to the west beyond Lindsay Street.

The Council has acquired all properties in the terrace with the exception of nos. 2 and 9, which are currently occupied. All other properties in the terrace are currently vacant.

Planning History

The host terrace originally contained 28no. properties, however planning permission was granted in May 2016 (reference 16/00507/LP3) to demolish nos. 22-28 Maudlin Street and to carry out structural strengthening works to no. 21. These properties have been demolished and the area they occupied exists as grassed open space with some tree planting.

Proposal

Planning permission is sought to demolish nos. 12-21 Maudlin Street to foundation level, with the foundations to be subsequently grubbed up, removed and cleared of debris. Once the demolition works have taken place, the cleared site would be graded to match existing levels, covered with a minimum of 150mm top soil and grass seeded. A gable wall is to be constructed to no. 11 to stabilise this and other remaining properties using matching brickwork.

The submitted documentation states that the current proposal represents phase 1 of the clearance works of the remainder of the host terrace. The current application originally proposed the demolition of the entire remainder of the terrace in two phases, however the proposal was amended to demolish only nos. 12-21 given that nos. 2 and 9 are currently occupied and not in Council ownership.

Environmental Impact Assessment Procedure

The proposed demolition works for the entire of the terrace in its original form (nos. 1-28) have been subject to a request for a screening opinion pursuant to the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (reference 16/00310/SCR) wherein it was concluded that the proposal does not represent EIA development and, as such, an Environmental Statement is not required. It is noted that the 2011 Regulations have since been superseded by the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. However, Regulation 76(2) of the 2017 Regulations sets out transitional arrangements setting out that the 2011 Regulations continue to apply where an applicant has submitted an ES or requested a scoping opinion before 16 May 2017. On this basis, the Council, as Local Planning Authority, remains of the view that the proposal is not EIA development and an Environmental Statement is not required to accompany the planning application.

TYPE OF PUBLICITY:

Press Notice Advertised

Site Notice Posted
Neighbour Notifications

CONSULTEES:

Copt Hill - Ward Councillor Consultation
Environmental Health
Network Management
Hetton Town Council

Final Date for Receipt of Representations: **04.04.2018**

REPRESENTATIONS:

This application has been publicised by way of individual letters to 26no. neighbouring properties together with site and press notices and no resultant representations have been received.

The Council's Ecology section has confirmed that it has no objections, originally noting that the submitted Bat Survey Report - Background and Supporting Information (May 2015) is not recent or sufficient enough to inform the works on site. It is advised that an ecological method statement akin to those from 2012 provided for the demolition of nos. 22-28 Maudlin Street in 2016 must be in place prior to works commencing and thenceforward delivered in full to mitigate any possible infringement of legislation pertaining to protected species; in this instance bats and breeding birds. The applicant has since submitted the reports entitled "Bat Method Statement" and "Bat Survey - Delivery Information" both dated June 2012. Ecology has also advised that it be ensured that invasive and non-native species are not evident or spread as a result of works and dealt with in an appropriate manner; Japanese knotweed has been recorded in the area and on Maudlin Street.

The Council's Environmental Health section has advised that an asbestos survey be undertaken prior to demolition (if asbestos is encountered in gardens then further investigation followed by remedial action should be undertaken) and a Desk Study and revised Phase II Report are likely to be required for any redevelopment of the site following demolition and recommend that a condition be imposed requiring the submission and approval of a Construction Environmental Management Plan, to include details of how noise, lighting, dust and other airborne pollutants, vibration, smoke, and odour from demolition work will be controlled and mitigated.

The Local Highway Authority has offered no objection, noting that the proposal may require temporary traffic management during demolition works and that Maudlin Street and the rear lane do not form part of the adopted highway network.

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_18_Promotion of nature conservation (general)
CN_22_Developments affecting protected wildlife species and habitats
EN_1_Improvement of the environment

COMMENTS:

The main issues to be considered in the assessment of this application are the impact of the proposal on amenity and ecology.

Amenity

Paragraph 17 of the National Planning Policy Framework (the "NPPF") sets out 12 core planning principles, amongst which that Local Planning Authorities should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

To this end, policy B2 of the Council's adopted Unitary Development Plan (the "UDP") relates to new developments and extensions to existing buildings and states that their scale, massing, layout or setting should respect and enhance the best qualities of nearby properties and the locality and retain acceptable levels of privacy. In addition, UDP policy EN1 seeks the achievement of environmental improvements by, in addition to other means, minimising all forms of pollution.

The proposed demolition works would result in the removal of ten unoccupied dwellings which are of no particular heritage or architectural merit and, by virtue of incorporating security shutters, currently detract from the street scene. The site would then be restored, top soiled, graded and grass seeded, which is considered to be an acceptable arrangement in terms of ensuring that the site would be kept in an appropriate state so as not to detract from the visual amenity of the area. The stabilising works to no. 11 are also considered to be appropriate in terms of ensuring that a well kempt gable is presented which is in-keeping with the surrounding area, subject to a condition requiring the brickwork to be used to match that of the host dwelling.

In terms of the impact upon adjacent residents, occupiers of properties in Lindsay Street and Low Downs Square would see the removal of the dwellings in Maudlin Street, which are in poor condition and of limited visual appeal, as set out above, whilst the works to no. 11 are all within existing building lines and do not encroach closer toward adjacent properties. The occupiers of the closest inhabited property in Maudlin Street (no. 9) would be separated from the proposed demolition works by the retained nos. 10 and 11, so it is not considered that the proposed works would be likely to pose an unduly harmful impact on the living conditions of this or any other occupier, subject to the works being carried out in an appropriately sympathetic manner to minimise disturbance to neighbours.

To this end, the applicant has submitted documents entitled Pre-Construction Information, Preliminaries and Contract Conditions, Specification and a Method Statement which are to be disseminated to contractors. These documents set out a scheme of working to minimise risks and disturbance during construction works, including compliance with the recommendations of British Standard 5228-1, in particular clause 7.3, to minimise noise levels, the use of compressors, percussion tools and vehicles with effective silencers and working hours of between 07.00 and 19.00 hours Monday to Friday and between 07.00 and 14.00 hours on Saturdays, with no work to be carried out on Sundays or Bank Holidays. The Council's Environmental Health team has been consulted on this documentation and a response is currently awaited. It is recommended, should Members be minded to grant planning permission, that a condition be imposed requiring adherence to these documents, which is subject to change following receipt of the consultation response from Environmental Health.

Ecology

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.

In considering the implications of the proposed development for protected species, the application is accompanied by a Bat Survey Report dated May 2015, Bat Survey - Delivery Information dated June 2012 and a Bat Method Statement dated June 2012.

The submitted information has been reviewed and is considered to be appropriate, in particular the mitigation measures detailed in the Bat Survey Report May 2015 and in particular, Section 5 (Working Methods) of the appended Bat Method Statement and the Bat Survey - Delivery Information.

Whilst the submitted reports are somewhat dated and the previous consent relating to the demolition of nos. 22-28 Maudlin Street included a condition requiring further bat checking surveys to be undertaken if works are not completed within 12 months of the most recent survey (May 2015), on review it is noted that previous surveys have recorded no bat roosts in the Maudlin Street properties, low numbers of bats are recorded in the area and the Maudlin Street properties are in a similar state to previous years and have received on-going disturbance and damage. As such, the risk of bat roosts being present in the properties is considered to be negligible and, as such, no further bat survey is required. However, it is recommended that a condition be imposed requiring:

1. The careful hand removal of key features includes slates/tiles, flashing, fascias, soffits, barge boards, sarking and window/door frames and, following removal, exposed wall cavities and tops to remain exposed overnight before further demolition;
2. The working method in relation to breeding birds to apply to built structures as well as vegetation and ground clearance operations.

Equality Act 2010: 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.

Conclusion

For the reasons set out above and subject to the conditions listed below, it is not considered that the proposal would be detrimental to the amenity or ecological value of the area.

It is therefore considered that the proposal accords with the provisions of the UDP and, in the absence of any material considerations to indicate otherwise, it is recommended that Members Grant Consent in accordance with Regulation 3 of the Town and Country Planning General Regulations 1992.

RECOMMENDATION: Members **Grant Consent** in accordance with Regulation 3 of the Town and Country Planning General Regulations 1992.

Conditions:

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

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

- Drawing no. 02/AW/MS Rev. 01: Location Plan [as amended] received 10.04.2018
- Drawing no. 06/AW/MS: Retained Tree Plan received 27.02.2018
- Drawing no. 07/AW/MS: Existing Details 11 Maudlin Street received 27.02.2018
- Drawing no. 08/AW/MS: Proposed Structural Works 11 Maudlin Street received 27.02.2018
- Drawing no. 09/AW/MS: Existing Details 20 Maudlin Street received 27.02.2018

In order to ensure that the completed development accords with the scheme approved.

3 Notwithstanding any indication of materials which may have been given in the application, the external materials to be used in the structural strengthening works proposed to no. 11 Maudlin Street shall be of the same colour, type and texture as those used in the existing building, in the interests of visual amenity and to comply with policy B2 of the adopted Unitary Development Plan.

4 The works proposed to restore the sites of nos. 12-21 Maudlin Street (i.e. graded to match existing levels, covered with a minimum of 150mm top soil and grass seeded) shall be completed within one calendar month of the demolition of the dwellings, in the interests of visual amenity and to accord with policy B2 of the adopted Unitary Development Plan.

5 The development shall be carried out in complete accordance with the mitigation measures detailed in the Bat Survey Report by TNEI Services Ltd, dated May 2015, the Bat Method Statement by TNEI Services Ltd, dated June 2012 and Bat Delivery Information by TNEI Services Ltd, dated June 2012, which shall be adopted and delivered in full in the carrying out of the development hereby approved in order to ensure a satisfactory form of development and to comply with policies CN18 and CN22 of the adopted Unitary Development Plan.

6 Throughout the demolition process, key features of the properties to be demolished, including slates/tiles, flashing, fascias, soffits, barge boards, sarking and window/door frames, shall be carefully removed by hand. Following removal of such features, exposed wall cavities

and tops shall remain exposed overnight before any further demolition works are carried out in order to ensure a satisfactory form of development and to comply with policies CN18 and CN22 of the adopted Unitary Development Plan.

7 The working method in respect of the bird breeding period (as set out at Section 5(2) of the Bat Method Statement, produced by TNEI Services Ltd, dated June 2012) shall be adopted in full in respect of any works to buildings and vegetation on the application site which are proposed to be carried out during the bird breeding period (March-August inclusive), in order to ensure a satisfactory form of development and to comply with policies CN18 and CN22 of the adopted Unitary Development Plan.

8 The works hereby approved shall be carried out in accordance with the documents entitled "Pre-Construction Information" dated 08.02.2018, "Preliminaries and Contract Conditions" dated 12.04.2018, "Specification" dated 12.04.2018 and "Method Statement", in the interests of residential amenity and to comply with policies B2 and EN1 of the Unitary Development Plan.

Reference No.: 18/00475/SUB Resubmission

Proposal: Erection of two storey extension to the side.

Location: 7 Dalton Way Houghton-Le-Spring DH4 7RB

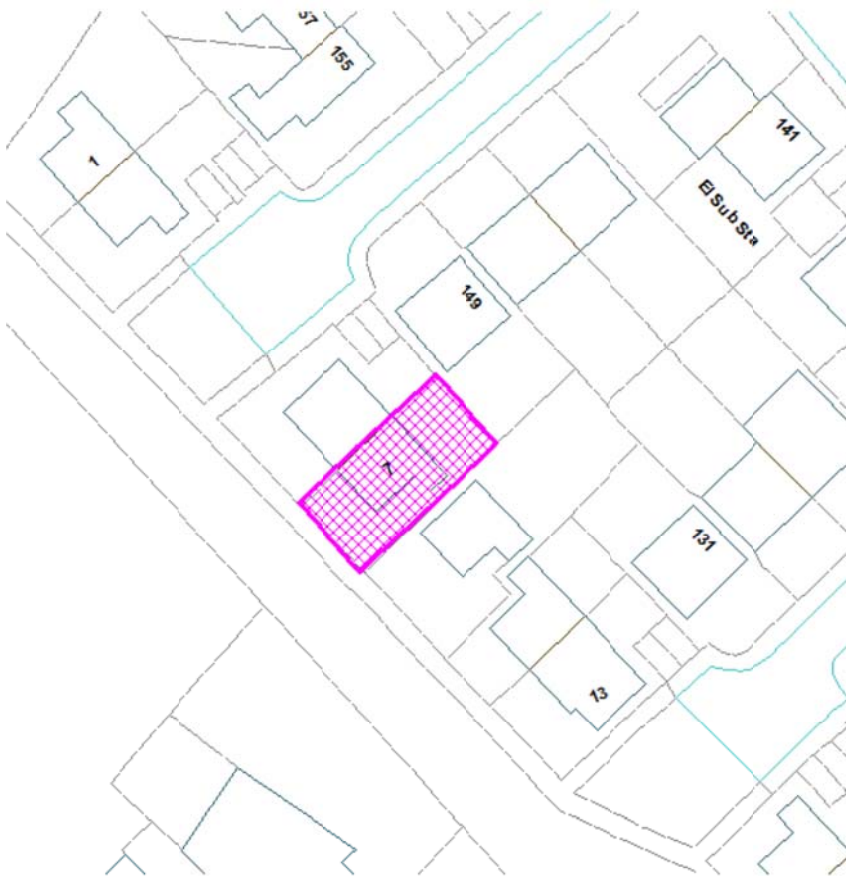
Ward: Shiney Row

Applicant: Mr m Oliver

Date Valid: 18 March 2018

Target Date: 13 May 2018

Location Plan



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PROPOSAL:

The proposal relates to the erection of a two storey extension to the side of 7 Dalton Way with a continuation of the existing canopy across the front elevation. Following a site visit it is apparent that the extension is substantially complete. Planning permission was previously granted in August 2017 for a similar form of development. The previous proposal was similar in scale and design however the outer gable wall of the extension was designed as a dog-leg whereas the current proposal is continue from the front elevation to the rear elevation.

The current proposal would extend approx. 3m out from the existing gable elevation, incorporating the existing single storey flat roof utility room. The proposal would be built flush with the existing front and rear elevations at both ground and first floor level, retaining a 0.75m gap between the proposed gable elevation and the boundary with No.9.

The proposal would incorporate a pitched roof with no first floor set back or dropped ridge line. No windows are proposed within the gable elevation of the two storey side extension.

Site

The host property is a south-west facing 2 storey semi-detached property located within a predominantly residential area.

TYPE OF PUBLICITY:

Neighbour Notifications

CONSULTEES:

Network Management
Shiney Row - Ward Councillors Consultation

Final Date for Receipt of Representations: **11.04.2018**

REPRESENTATIONS:

One letter of objection has been received to the application. The main grounds for opposing the development are as follows:-

No 149 Whitefield Crescent - Loss of Light. The building of this extension will block the light to my garden and will make the rear of my property completely surrounded by buildings.

POLICIES:

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

B_2_Scale, massing layout and setting of new developments

COMMENTS:

Main Issues

The National Planning Policy Framework (NPPF) is a material consideration in the determination of planning applications with Paragraph 11 of the NPPF stating that planning law requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 12 expands upon this and advises that the NPPF does not change the statutory status of the development plan as the starting point

for decision making. Proposed development that accords with an up-to-date Local Plan should be approved.

In respect of the above issues policy B2 of the City of Sunderland's Unitary Development Plan, 1998 (UDP) is relevant. Policy B2 seeks to ensure that the scale, massing, setting and layout of new developments respects and enhances the best qualities of nearby properties and the locality and retains acceptable levels of privacy for neighbouring properties.

In assessing the proposal the main issues to consider are the impact of the development upon the appearance of the host property and the street scene in general and the effect upon levels of residential amenity afforded to the surrounding occupiers.

In terms of assessing the acceptability of the overall development consideration must be given to policy B2 of the Unitary Development Plan (UDP) which states 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.

In addition, further advice for such development is contained within the adopted Householder Extensions Supplementary Planning Document (SPD). Section 7 of the SPD states that any extension should be designed to maintain the character of the existing property and the street scene and that any new development should not be positioned in such a manner that it adversely affects the amenity of nearby residential properties.

Residential amenity

The proposed two storey side extension would be partially positioned over an existing single storey utility room to the rear of the property. The proposed two storey extension would extend up to the front elevation of the original dwelling and retain external pedestrian access in the form of a 0.75m footpath from the front to the rear along the proposed gable. The property to the south-east also has footpath access along the side of the property closest to the application site and is situated at a slightly higher level. The extension will be built flush with the existing front and rear elevations of the host property.

The property to the south-east, No.9, is of a different design and following a site visit the planning officer noted that there was an existing window within the north-west elevation of the neighbouring property. Following an internal inspection of the neighbouring property (in relation to the 2017 application) it was noted that the gable window served a lounge area, however this room was also served by a large window within the front elevation and, as such, by virtue of the design and siting of the extension it is not considered that any resulting impact on this window/room would be significant. In addition, no representation has been received from the occupier of this property.

In respect of privacy it is not considered that the proposal would reduce the current level of amenity enjoyed by the occupants of No.9 given (1) that there are no windows within the gable elevation of the proposed two storey side elevation and (2) the extension would not project beyond either the existing front or rear elevation, of the host property.

Therefore, based on the context of the site, the style and layout of both dwellings and the positioning of the development away from the boundary it is not considered that the works would have a demonstrably adverse impact on the living conditions of the neighbouring properties, in particular No.9 in this instance.

In relation to the objection from No.149 Whitefield Crescent it is not considered that the proposed extension would give rise to unacceptable impacts such as loss of light, outlook or privacy owing

to the fact that the extension would be built on the southern side of the host property, the rear elevation would not project beyond that of the host property and the ridgeline would be no higher than that of the existing property to which the extension relates.

Street scene

Section 7 of the Local Planning Authority's Supplementary Planning Document (SPD) for Household Alterations and Extensions, states that alterations and extensions should respect the style and appearance of the dwelling and the character of the locality, particularly in relation to built form, scale and proportions. With this in mind, the design of an extension should aim to respect and enhance the appearance of the street scene within which the development is to be located.

The SPD goes on to state that as a general rule, side extensions should ideally be of a size which is no more than 50% of the overall width of the original dwelling in order to ensure that the extension remains subordinate to the host dwelling. Furthermore, two storey side extensions on semi-detached properties will, depending on siting, be expected to have a ridgeline which is lower than that of the host property and a front wall set back by no less than 1m from that of the original building, at least at first floor level, in order to reduce the potential for terracing.

As has been outlined above any new development should be designed to maintain the character of the existing property and the street scene. During the officer site visit it was established that within the street there were a number different property styles. The host property is semi-detached with a side footpath between the site of the extension and No.9, as such, whilst it is recognised that two storey side extensions should adhere to the above requirements, on this occasion given the differences in the design, style and ground level of the two properties it is not considered that terracing could occur. Consequently, the extension is considered to be acceptable, in its current form.

In respect of the adjoining semi, No.5, it is noted that this property already has a single storey side extension. Also, given the changing level differences and different designs within the street it is not considered that the side extension in the form as proposed would have a detrimental impact on the visual amenity of the street.

In this respect and having regard to the above the development is considered to be acceptable without causing detriment to either residential amenity or the visual amenity of the street scene.

Highways

No observations have been raised and the proposal is therefore considered to be acceptable in this regard.

Equality Act 2010: Public Sector Equality Duty

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

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

- age;

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

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

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

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

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

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

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

Conclusion

In light of the above reasoning, the application is considered to represent an acceptable form of development. The proposal would not unduly compromise the residential or visual amenity of the surrounding dwellings nor would the size scale, massing or design adversely impact on the qualities of the existing street scene. The development therefore accords with policy B2 of the UDP and Section 7 of the SPD and is therefore recommended for approval subject to the following conditions.

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

- Location Plan
- Existing and Proposed Site Plans
- Existing and Proposed Elevation and Floor Plans - Building.Regulations.Drawings. ref: 101S

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

3 Notwithstanding any indication of materials which may have been given in the application; the external materials to be used, including walls, roofs, doors and windows shall be of the same colour, type and texture as those used in the existing building, 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.