

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.: 17/02396/FUL Full Application

Proposal: Change of use of existing Dungarven bungalow from C3 (dwellinghouse) to Sui Generis (veterinary practice) to form extension to existing veterinary practice. Includes demolition of external garages / outbuildings and associated external works including erection of a link building and removal of roof from Dungarven Bungalow AMENDED PLANS RECEIVED 05.02.18).

Location: 66 Blue House Lane and Dungarven, Usworth, Washington, NE37 2TA

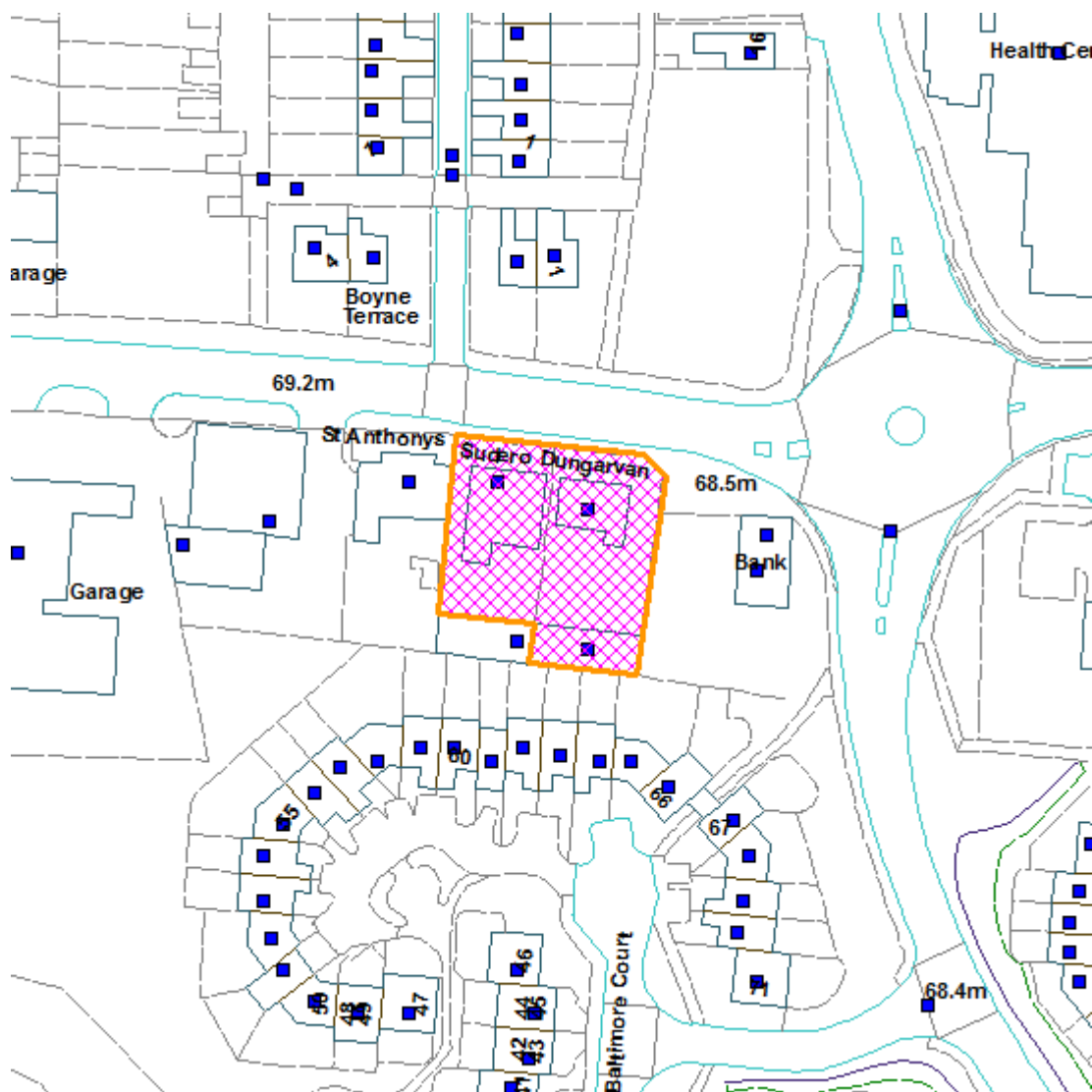
Ward: Washington North

Applicant: Mindaugas Sileris

Date Valid: 13 December 2017

Target Date: 7 February 2018

Location Plan



PROPOSAL:

The application under consideration seeks permission to change the use of a residential detached bungalow to a veterinary practice on Blue House Lane, Usworth Washington, close to the roundabout where Blue House Lane joins with the A1290 Heworth Road. It should be noted that the proposal has come about to accommodate the demand that the applicant has with relation to their existing premises which are located next door in another detached bungalow of a similar size to that to which this proposal relates. The application seeks to reconfigure the layout of the existing building and to join the 2 buildings together by way of a small unobtrusive link extension. Externally, a number of significant changes are proposed to the existing building, including removing its pitched roof and over-cladding the existing brickwork with timber. To the rear, a large outbuilding / garage that forms a substantial boundary to a number of rear gardens on Baltimore Court will be demolished and a new boundary fence erected in its place along with additional car parking / hardstanding by which to serve both veterinary buildings via a one-way in /out system.

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

TYPE OF PUBLICITY:

Site Notice Posted
Neighbour Notifications

CONSULTEES:

Network Management
Washington North - Ward Councillor Consultation
Environmental Health

Final Date for Receipt of Representations: **13.02.2018**

REPRESENTATIONS:

As a result of the public consultation carried out a total of 4 no. representation have been received, from occupiers of Baltimore Court to the rear of the site. The concerns expressed relate to:-

- o The loss of the rear garage / outbuilding, which at present forms a 3.5 metre high secure boundary between the host site and the back gardens of residences in Baltimore Court.
- o The potential for surface water run-off into these aforementioned gardens to occur, should the garage / outbuilding be removed.
- o The potential for litter and airborne rubbish to get blown into the aforementioned gardens, should the garage / outbuilding be removed.
- o The potential for damage to occur to the aforementioned gardens during demolition and subsequent construction works.

These issues are all considered later, in the "Residential Amenity" section of the report.

POLICIES:

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

B2 - Scale, massing layout and setting of new developments

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

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

COMMENTS:

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

- o Principle of the development
- o Residential Amenity
- o Visual Amenity
- o Highway/public safety

Principle of development

On a national level, the NPPF sets out the Governments planning policies for England and how these should be applied. Paragraph 38 advises that Local Planning Authorities should approach decision making in a positive and creative way and should seek to approve applications for sustainable development where possible. Chapter 12 relates to achieving well designed places and advises that planning should always seek to ensure that developments "will function well and add to the overall quality of the area" and "optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development" "with a high standard of amenity for existing and future users"

Chapter 6 of the NPPF is also particularly relevant in the consideration of the merits of the proposals, as this relates to building a strong, competitive economy, wherein Paragraph 80 states that "decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account local business needs"

On a local level, policy B2 of the Council's adopted UDP requires new development to respect visual amenity and maintain an acceptable standard of amenity to existing dwellings. The Council's adopted 'Household Alterations and Extensions' SPD provides more detailed guidance in respect of domestic development; it encourages a high standard of design to such proposals and reiterates policy B2's requirement that visual amenity and the amenity of existing dwellings is respected. The site in question comprises part of an existing housing estate and is not allocated for a specific land use by the Proposals Map of the UDP. As such, policy EN10 of the UDP is applicable and this requires that new development proposals should be compatible with the principle established use of the neighbourhood. UDP policy T14, meanwhile, aims to ensure that new developments are easily accessible to both vehicles and pedestrians, should not cause traffic problems, should make appropriate provision for safe access by vehicles and pedestrians and indicate how parking requirements will be met.

The application site is situated within a retail parade which runs through a predominantly residential area. The site is not allocated for any specific purpose within the Unitary Development Plan (UDP) and as such policy EN10 applies. Policy EN10 of the UDP states that all proposals for new development (including changes of use) will be judged in accordance with the policies and proposals of the Plan. Where the UDP does not indicate any proposals for change, the existing pattern of land use is intended to remain. In essence, proposals for development should accord with the existing form / type of development that is found within the vicinity. In this regard, the wider area on Blue House Lane appears to be predominately commercial in nature, with a petrol

filling station and funeral directors in close proximity to the site. Concord shopping centre is also located nearby, just beyond the roundabout further to the east. Moving beyond the street hierarchy of these main vehicular routes, it is evident that the majority of the commercial premises in this area back onto residential properties, such as the juxtaposition that will occur here. As such, given that the proposal will convert a residential property into a further commercial premises in an area which is already host to a range of businesses, the proposal is considered to be acceptable and in accordance with policy EN10.

Residential Amenity

As explained earlier, nearby residents have expressed concerns over perceived impacts that they believe may occur as a result of the proposals. These impacts could arise predominantly due to the loss of a somewhat substantial 3.5 metre high garage / outbuilding to the rear of the premises. As such, discussions have taken place between the agents and officers in order to see whether any improvements can be introduced to the scheme to address these concerns. As a result, alterations have been made to the proposed boundary fencing in this location, raising it from 1.8 Metres to 2.4 Metres. In addition, the car parking spaces that are to be formed on this part of the site will be done in such a manner so that they fall away from the party fence line, thus preventing any potential water-run off discharging outwith the plot boundaries. Water will be collected via a slot drain and then via the existing drainage present on site. These changes to the fencing and clarification over the layout are considered as being an appropriate means to address the concerns raised, and on this basis, it is not considered the change of use to a veterinary surgery would be at odds with the area and is in accordance with policy B2, which states 'the scale, massing, layout or setting of new developments and extensions to existing buildings should respect and enhance the best qualities of nearby properties and the locality and retain acceptable levels of privacy'.

Visual Amenity

In terms of appearance, the proposed alterations to the building are not considered to result in creation of any conditions prejudicial to the visual amenities of the area, although the somewhat contemporary changes to elevations are considered to be somewhat at odds to the more traditional appearance of the property that the applicant already operates from, which is to be connected to the host bungalow. At present, both properties are predominantly residential in character; the existing operation is a red brick bungalow with slate pitched roof and the to-be-converted building is white rendered with a red profiled concrete roof tile. The proposals show this pitched roof to be removed in its entirety and the walls vertically clad in cedar cladding.

The applicant has provided some reasoning on this chosen design approach, explaining that as the two buildings currently have roofs and frontages which differ significantly in form (and also materially) it was therefore not deemed a design constraint to retain a consistent appearance between the two bungalows. The design concept seeks to create a contemporary timber box which would have a noticeable presence on the street whilst respecting the proportions and scale of the existing development on site and nearby. This is to be achieved by the removal of the existing roof of Dungarven and increasing the height of the existing external walls to enable the construction of a new flat roof. This increased roof parapet height will help establish a hierarchy between the two buildings allowing Dungarven to be read by clients as the principle entry point and main building, with the existing vets becoming only accessible for staff and deliveries. An important factor for the client is that the building needs to appear welcoming to their customers; therefore the architecture represents this via the introduction of a large glazed entrance area, which enables views of the airy interior space that will be created.

Western Red Cedar has been specified for the cladding material which will offer a contemporary design solution which is both environmentally friendly and soft in appearance. The cladding is to be left untreated and will therefore weather to be silver/grey in colour over time. The timber cladding is to be orientated vertically on Dungarven and horizontally to the link extension, to provide visual separation between the two and to help allow the link to appear subservient to the two buildings; ensuring the new/refurbished elements do not appear too dominant.

In considering the appropriateness of such an arrangement, it is noted that due regard has been paid to the fact that the two properties were originally constructed as separate dwellings and that the proposed link that will join the two together has been positioned so that it is set back from the front of the properties in such a way that makes it not very visible from the main road. As such, the resultant design still makes the overall development (the two buildings) read as two separate entities to an extent. Indeed, if they were to remain separate, there would be no compelling grounds by which to prevent the changes being made to the host building and as such, the proposed elevational treatments are considered on balance, to be acceptable.

Highway Safety

As mentioned earlier, the proposals will see the amalgamation of the land that lies within the curtilage of the two buildings, in order to provide a one way circulation system for vehicles that visit the site. Entry will be made via the existing entrance to the west with exits via the host properties access, which is situated to the east.

Upon initial submission, Transportation Engineers raised concerns over the arrangements and were of the view that the proposal represented an over-intensive use of the site and there was inadequate parking provision for both staff and visitors. As a result of this a Travel and Parking Statement was submitted in support of the application, which set out a rationale as to how the parking for the business would operate; namely that the entire 11 no. space parking provision would remain solely for visitors, with staff parking off site as they currently do at the nearby Concord Parking Area and the car park on Spout Lane. Both of these car parks are free to use and are five minutes' walk (0.3mi) from the Vets4Pets Premises. On this basis the car parking provision equates to an increase of visitor parking by 366% whilst the proposed increase in consulting rooms is 160%. In addition, clients/visitors also have the opportunity to use the aforementioned free of charge car parks should they wish. To conclude highways matters, subject to the imposition of conditions that will restrict the staff numbers and the operation of the car park, the proposals are considered to accord with the requirements of Policy T14 of the UDP policy.

CONCLUSION

Following the submission of the amended proposals and additional information, it is considered that the concerns raised with regards residential amenity and highway safety have been satisfactorily addressed and consequently, there are considered to be no material grounds to warrant a refusal of planning permission. As such, it is recommended that the application is approved, subject to the list of conditions as set out below.

Equality Act 2010 - 149 Public Sector Equality Duty.

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

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

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

The LPA is committed to

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

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

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

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

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

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

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

RECOMMENDATION: APPROVE, subject to the draft conditions below:

Conditions:

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

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

- o 3802 10 10.01 Site Location Plan
- o 3802 10 02v Rev A Existing Site Plan
- o 3802 30 01 Existing Elevations
- o 3802-JDDK-A-1004 Rev A - Proposed Site Plan
- o 3802-JDDK-A-2002 Rev C - Proposed Floor Plan
- o 3802-JDDK-A-3002 Rev B - Proposed Elevations 1
- o 3802-JDDK-A-3003 Rev A - Proposed Elevations 2
- o 3801-JDDK-XX-LO0DR-A-0010 3D Views
- o 3802 40 01 Indicative Boundary Detail
- o 3802 Travel and Parking Statement
- o 3802 Materials Schedule
- o Initial Construction Environmental Management Plan prepared by Meldrum

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

3 The development hereby approved shall be constructed from the following materials, as per the approved plans 3802-JDDK-A-3002 Rev B and 3802-JDDK-A-3003 Rev A:-

- o Western red cedar boards (external walls cladding)
- o Black painted existing brick (base of walls below cladding)
- o White glazing frames (windows)
- o Finished to RAL 7015

The development shall not be carried out other than in accordance with these approved details; unless otherwise agreed in writing with the Local Planning Authority, in the interests of visual amenity and in order to comply with policy B2 of the Unitary Development Plan.

4 The premises shall only be operated for the purposes hereby approved between the hours of 08:00 and 19:30 on weekdays with no consultations after 18.30; 08.00 and 17:00 on Saturdays and at no time on Sundays, in order to protect the amenities of the area and to comply with policy B2 of the adopted Unitary Development Plan.

5 The premises shall be used for a veterinary surgery and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order), in order to achieve a satisfactory form of development and to accord with policy B2 of the UDP.

6 No more than 11 staff shall be present and available for work at the premises at any one time, in order to protect the reasonable amenity of adjacent residential properties and in the interests of highway and pedestrian safety given the limited number of dedicated car parking spaces, and to comply with policies B2 and T14 of the UDP.

7 The use at Dungarven shall only be operated in relation to the veterinary Surgery practice currently conducted at no. 66 Blue House Lane and at no time shall be operated as an independent unit, in order that the Local Planning Authority retains control over the development and in the interests of highway and pedestrian safety given the number and arrangement of parking spaces, and to comply with policies B2 and T14 of the UDP.

8 The internal layout of the premises shall be arranged as shown on the approved floor-plan 3802-JDDK-A-2002 Rev C and the layout shall be retained in accordance with this plan unless otherwise agreed in writing by the Local Planning Authority, in order that the Local Planning Authority may retain control over the development and to comply with policy B2 of the UDP.

9 Before the development hereby approved becomes operational, the car parking shall be laid out in accordance with the details shown on approved site layout plan 3802-JDDK-A-1004 Rev A and Vehicular access shall be via the existing entrance to the business at 66 Blue House Lane and marked as 'IN', and egress from the premises is to be dedicated via the existing access to Dungarven and marked as 'OUT' Once the car park has been laid out in this manner, it shall then be operated in complete accordance with the Travel and Parking Statement dated 22/05/2018 and maintained as such thereafter, in the interests of highway safety and to comply with policy T14 of the UDP.