

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 (General Development Procedure) Order 1995.

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 Development and Regeneration Directorate Services in the Civic Centre.

Philip J. Barrett

Director of Development and Regeneration Services.

Reference No.: 09/00345/FUL Full Application

Proposal: **Change of use from public open space to vehicle hardstanding with associated drop curb. Erection of a retrospective fence to rear/side (Amended 22.4.09)**

Location: Thornton Cottage Redburn Row Houghton Le Spring

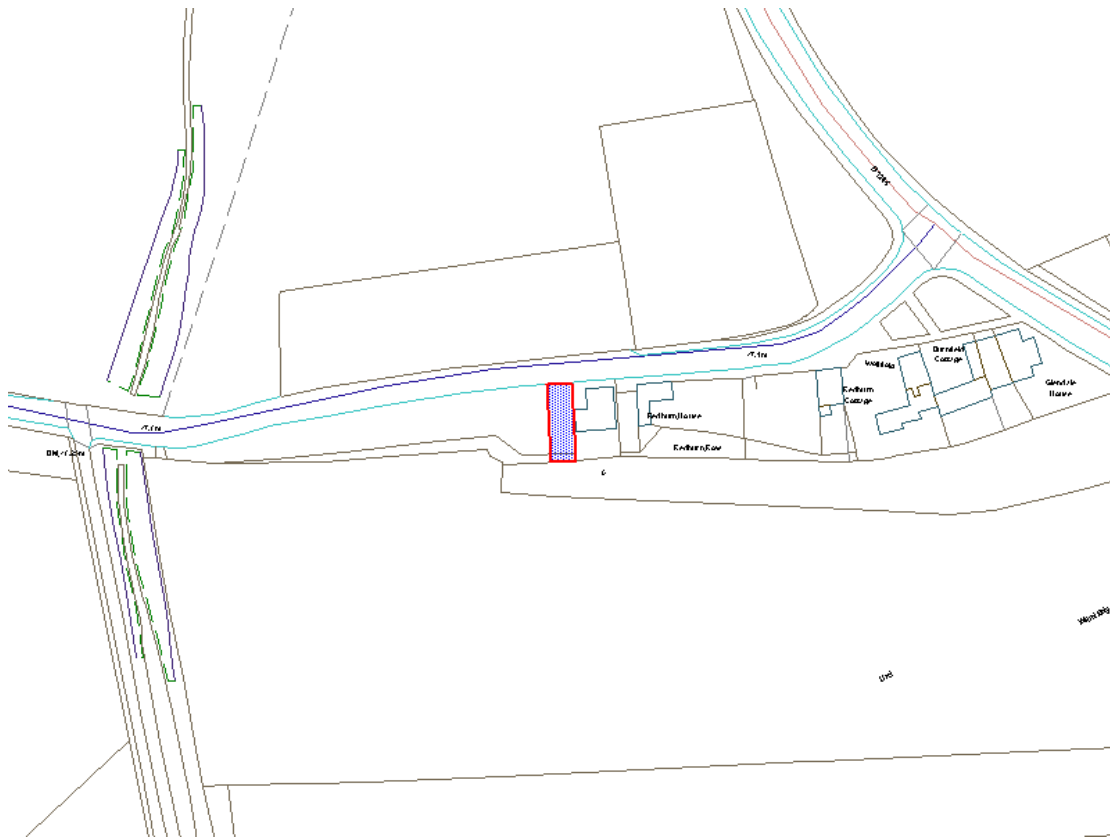
Ward: Houghton

Applicant: Mr Thomas Robson

Date Valid: 23 April 2009

Target Date: 18 June 2009

Location Plan



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PROPOSAL:

Planning consent is sought for the change of use of land from open space to private garden, with vehicle hardstanding and creation of new vehicular access on to a classified road (C518) and boundary enclosures to the rear and side (part retrospective) on land adjacent to Thornton Cottage, Redburn Row, Houghton-le-Spring. The site is at the western end of a row of six detached houses, with associated gardens, situated in the open countryside between the settlements of Rainton Bridge and Chilton Moor. The site commonly referred to as "plot 4," formerly housed one of six terraced cottage properties dating back to the late nineteenth century. This terrace has long since been demolished (1966) and forms the land which is now commonly referred to as "plots 1 to 6" Thornton Cottages, Redburn Row.

Planning History

Whilst "plot 4" Thornton Cottages, has only been subject to two previous planning applications, in the interests of clarity and to confirm previous decisions, it is important to outline the history of the adjoining plots to the east "plots 2/3" and west "plots 5/6."

Following the clearance of the former cottages the land covering "plots 1 to 6" has been subject to a number of planning applications and subsequent appeals.

An application for the erection of a single dwelling on the site of 5/6 Redburn Row was refused planning permission dated 04.01.1979. (See ref SD/1767/78). It was refused on five separate grounds, one of which stated that:

"The proposal would constitute an extension of development into the open countryside beyond the limits considered desirable in the interests of well planned development." This decision was subsequently upheld on appeal at a Public Inquiry into a purchase notice served on the Council by the National Coal Board dated 07.08.1979.

The current site "plot 4", the former site of 3 & 4 Thornton Cottages, has been subject of a previous application (App. No. SD/1327/86) which was submitted in October 1986. This application related to the erection of a detached dwelling with garage and was refused on the grounds that there was adequate land for housing elsewhere in the Borough and that it was outside the built up area of Chilton Moor and so contrary to policy EN8 of the Tyne and Wear County Structure Plan in which there was a presumption against residential development on open land. That decision was subsequently upheld at appeal.

An application for a house with three bedrooms (App. No. 98/00188/OUT) was submitted in February 1998 on "plots 2/3" It was refused in March 1999 on the grounds that:

- The proposal would be contrary to Policy CN6 of the adopted Unitary Development Plan, in that it would contribute to the erosion of the key settlement break between Rainton Bridge and Chilton Moor.
- The proposal would, through the provision of a single private access on to a classified road, be likely to lead to conditions prejudicial to highway safety.

- The proposal would be contrary to Policy EN10 of the adopted Unitary Development Plan, in that it would result in residential development which is not compatible with the principle agricultural use of the area.

A further application was submitted in 2001 (ref 01/02172/FUL) on "plots2/3" to fence the land adjoining the proposed site. This application was refused in April 2002 on the basis that the fencing by reason of its height and location had an unacceptable effect on the openness of the area and contributed to the erosion of the key settlement break between Rainton Bridge and Chilton Moor and as such was contrary to policy CN6 and B2 of the Unitary Development Plan. The decision was subsequently overturned on appeal in January 2003.

In reaching the above decision the Inspector concluded that the retention and completion of the development would not cause material harm to either the character or the appearance of the surrounding area and would not be contrary to the Development Plan. However, it is important to note that at the time of this application and subsequent decision the site was in a derelict state with remnants of rubble and materials of the previous development remaining on site, whilst the current site and remainder of the land to the west had been reclaimed and grassed over.

Further to the above Inspector's decision, Members may recall that an application for a house with three bedrooms and detached garage was submitted in March 2003 (App.No. 03/00682/FUL) on plot 2 / 3. The proposed dwelling was 9.75m wide, 10.4m deep and with an overall height of 7.3m. The application was granted conditional consent in September 2003.

Following the granting of planning permission three further applications were submitted altering the scale, massing and design of the originally approved scheme. The third application (App No.07/00520/FUL) has been implemented on site and now forms the host dwelling for the current proposal.

Present Application

The present application for the change of use of land from open space to private garden, with vehicle hardstanding and the creation of a new vehicular access from classified road (part retrospective) and boundary enclosures follows on from discussions with the Local Planning Authority relating to a proposed scheme of re-instatement required to discharge a condition attached to the planning approval ref. 07/00520/FUL and follows a previously withdrawn application (App No. 08/00201/FUL) for a similar proposal.

The proposed scheme aims to provide off-road parking and additional garden land for the residents of Thornton Cottage. The hardstanding increases the size of the existing drive from 3.1 metres to 8.0 metres in width, projecting approximately the same distance from the front of the existing garage, the rear of the drive tapers off to form a 1.2 metres wide footpath which runs alongside the existing garage, leading to the rear of the property and a private right of way. The land directly adjacent to the footpath is proposed to be re-seeded to complement the remainder of the open space. It is proposed to use a Beamish Cobble in the construction of the hardstanding area, matching the existing driveway. Potential surface water discharge resulting from the development is to be directed into a local stream. Whilst this element of the proposal has not been implemented to

date, the dropped curb and associated extension to the footpath have been completed.

The rear / side boundary enclosure has been implemented, providing a fence which measures 1.8 metres in height fronting onto Redburn Row and along the western boundary, tapering down to 1.5 metres and 1.2 metres to the rear of the property. The fence encloses land (approximately 25 square metres) outside the ownership of the applicant. Constructed from timber, the close boarded fence has been stained dark brown.

Whilst the erection of the boundary enclosure which surrounds the rear of the curtilage of Thornton Cottage does not require planning permission the erection of fencing around the area outside the applicant's ownership requires permission as it effectively results in a material change of use of the land from open space to private garden.

Contained within the site is a private right of way which runs east west along the rear of Thornton Cottage from Redburn House and onwards in to the open space to the west. The path is along the line of that which formerly gave access to an outside toilet block to the west of the former terrace. The proposal retains this private access and provides a gated access at its westernmost point.

The application is a departure from the approved Unitary Development Plan and has been advertised accordingly.

This application is being reported to Committee following a request from a local ward Member, following issues raised by previous applications, previous history and local representations to the development in general.

In order to avoid any undue delay in the determination of the application, the Chair of the Sub Committee has sanctioned a site visit by Members which is due to take place on 26th May 2009. This followed a request for a site visit by Councillor Heron by e-mail on 14th May 2009, which would have been considered at the programmed meeting on 12th May but which was cancelled due to lack of business. The prompt site visit should allow the application to be determined within the statutory eight week period.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

None required

Final Date for Receipt of Representations: 27.05.2009

REPRESENTATIONS:

Fifty nine letters of representation have been received (to date 20.05.2009) as a result of the consultation process. Twenty three letters were in support of the proposal, whilst thirty six raised objections. The main concerns raised relate to:

- Loss of Open Space
- Highway Safety
- Encroachment into the Green Belt
- Land Ownership

A petition opposed to the proposal was also submitted, however the authenticity of the document was questioned, subsequently this element of representation has been removed from the file.

A petition with one hundred and fifty five signatures in support of planning application 08/00201/FUL has been submitted. The application was described in almost identical terms to the current proposal.

"Change of use of land from open space to private garden, with vehicle hardstanding and creation of new vehicular access from classified road (part retrospective) and boundary enclosures."

The petition was still being collated following the withdrawal of the application dated 04.04.2008. The withdrawal followed guidance from officers that the amount of land included within the proposal was excessive, irrespective of any planning policies which were appropriate to the land. The petition was not submitted with the previous proposal but retained, awaiting the current application.

The petition was headed stating the following:

"The amount of land enclosed will have a negligible impact on the key settlement break. The amenity and road safety will be improved by the provision of a new footpath. The proposal will enhance the visual appearance of the area".

Although relating to an earlier proposal it was considered that, in light of the very small differences between the two applications, it could be accepted as an indication of the support for the proposal.

POLICIES:

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

B_2_Scale, massing layout and setting of new developments

EN_10_Proposals for unallocated sites to be compatible with the neighbourhood

CN_6_Retain / enhance important open breaks & wedges between / within settlements

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

COMMENTS:

The key issues to consider in determining this application are:-

- The principle of the use on the site.
- The impact of the proposed development on the character and the appearance of the surrounding area.
- Access to the site and highway safety.

In addition to the aforementioned areas of consideration, a number of representations have raised concerns over the ownership of the land subject to this proposal. Land ownership is not a material consideration in determining planning applications, however for the avoidance of doubt and to clarify the current situation the City Council's Land and Property Section are currently undertaking an investigation into the land ownership.

The principle of the use on the site.

The site is currently allocated within an area identified as an important settlement break and green wedges and covered by Policy CN6 of the Unitary Development Plan. The land does not form part of the Tyne and Wear Green Belt and is not allocated within the City Council's 2003 Open Space Register, therefore policy EN10 of the UDP is applicable as the land can be considered as "whiteland."

Policy EN10 states that where the Unitary Development Plan (UDP) does not indicate a change "the existing pattern of land use is intended to remain." In this instance the neighbourhood is principally rural open space / grazing land. In addition the policy states that the proposal should be compatible with the principle use of the neighbourhood", whilst some nearby land is residential, the principal use is rural open space / grazing land. The proposed change of use with associated groundworks and boundary enclosures would result in currently open land being enclosed and would therefore be contrary to the policy.

Policy CN6 of the UDP states "important open breaks and wedges within and between settlements will be retained and enhanced." The policy expands upon this statement by advising that in much narrower open breaks and wedges, built development is likely to be restricted to the particular needs associated with specific proposals of the UDP or minor extensions to existing uses. In this particular instance the minor extension would constitute an extension to a use outside the residential curtilage of the dwellinghouse and not to the existing use of the land. It is considered that in this instance the overall size of the plot of land subject to the proposal is excessive and would lead to an overly intrusive erosion of the land to the west of Thornton Cottage to the detriment of the character of the surrounding area. Furthermore the form of development is not in keeping with the rural character of the area and would introduce alien and obtrusive elements into the street scene. The approach is consistent with that taken on applications in this area since 1979.

In light of the above it is considered that the proposal does not comply with the aims of policies EN10 and CN6 of the adopted UDP.

The impact of the proposed development on the character and appearance of the surrounding area.

The character of the surrounding area is predominantly rural, with open fields, separating the village of Chilton Moor to the north, from the industrial estate of Rainton Bridge to the south-east. Within this area is a small group of houses making up the residential development on Redburn Row. In terms of appearance the topography of the land is flat with a limited amount of planting to the rear of the properties providing limited screening of the industrial estate.

Whilst it is acknowledged that the land subject to this proposal did previously contain part of a terrace of houses, the land has long been cleared and re-established as an important area of open space to the west of Redburn Row.

Policy B2 of the UDP states that:

"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;"

It is considered that the loss of green open space to provide hardstanding would contribute to the erosion of the key settlement break between Rainton Bridge and Chilton Moor and set a precedent that would be difficult to defend on future proposals on the land directly adjacent. Therefore the best qualities of the nearby locality i.e. open space would be eroded to the detriment of the area and contrary to the aims of policy B2 of the adopted UDP.

Access to the site and Highway Safety.

Notwithstanding the above, the applicant has made a strong representation that the addition of the hardstanding would alleviate to a degree, current highway safety problems that exist on Redburn Row.

Policy T14 relates to proposals for new development and states in part that:

"new development should not cause traffic congestion or highways safety problems on existing roads."

In relation to highway safety within the immediate area it should be noted that there are no recent records of reportable traffic accidents along this section of road, with the last accident occurring in September 2000 at the junction with the B1284. It is noted that Redburn Road is generally less than 5.5 metres wide and any on-street parking should be discouraged. The current proposal therefore would aid in the free and safe movement of traffic on the public highway.

In light of the above, it is considered that the introduction of the proposed vehicle hardstanding is unlikely to lead conditions prejudicial to highway safety and as such complies with policy T14 of the UDP.

Conclusion

The proposed change of use from public open space to vehicle hardstanding with associated dropped curb and erection of retrospective fence to rear / side is

considered to be unacceptable in principle, being contrary to adopted Unitary Development Plan policies EN10 and CN6; is considered to be unacceptable in terms of introducing obtrusive elements into the open space and its impact on visual amenity and thereby contrary to policies B2 and EN10 of the adopted UDP. While the proposal is considered to comply with policy T14 relating to highway safety, however given the lack of supportive evidence provided relating to accidents on Redburn Row, it is not considered that the need for additional parking over and above the expected council standards should outweigh the need to safeguard open nature of the site.

It is therefore recommended that the proposed development be refused on the grounds set out below.

RECOMMENDATION: Refuse

Reasons:

- 1 The change of use from open space to private garden with associated vehicle hardstanding and boundary enclosures would by reason of its scale, design and materials used, have an unacceptable effect on the openness of the area and would contribute to the erosion of the key settlement break between Rainton Bridge and Chilton Moor and as such is contrary to policy CN6 and B2 of the Unitary Development Plan.
- 2 The change of use from open space to private garden with associated vehicle hardstanding and boundary enclosures would result in a form of residential development which is not compatible with the principle rural open space / grazing land use of the area and as such would be contrary to policy EN10 of the adopted UDP.

Reference No.: 09/00880/OUT Outline Application

Proposal: Outline application for the erection of a building comprising 9no. two bedroom apartments and 7no. one bedroom apartments

Location: Junglerama Ltd Victoria Road Concord Washington

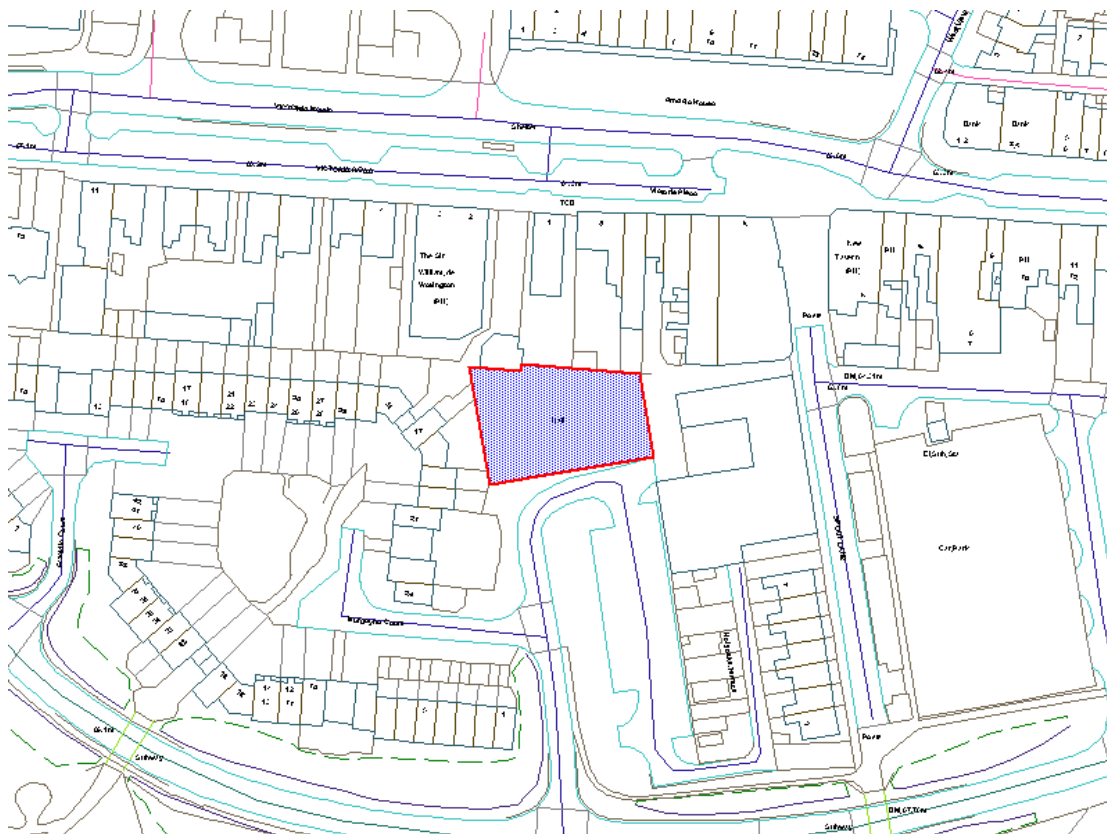
Ward: Washington North

Applicant: Mr Antony Hipkin

Date Valid: 9 March 2009

Target Date: 4 May 2009

Location Plan



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PROPOSAL:

Outline Planning permission is sought for the erection of a building comprising 16 apartments, of which, nine are proposed to comprise two bedrooms and seven are proposed to comprise one bedroom at Junglerama, Concord, Washington. The proposal would require the demolition of the existing Junglerama building to allow development to take place.

The application seeks consent at this stage for the access arrangements to the site, with all other matters, appearance, layout, landscaping and scale reserved for subsequent consideration, should outline consent be granted.

Notwithstanding this position, an indicative site plan has been provided illustrating a building located in the south east corner of the application site, on a footprint of 315 square metres, with the remainder of the site set aside for car parking (16 spaces), refuse storage and circulation space.

The existing building, which comprises a floor space of approximately 1000 square metres was originally erected as a cinema, before being converted to a bingo hall and eventually to its current approved use as a children's soft play centre. The soft play business has closed and the equipment removed and sold, leaving the building unoccupied.

In the immediate vicinity of the site, there are a mix of uses in evidence, with commercial uses prevailing to the north and east of the site in the local shopping centre at Concord, whilst residential dwellings prevail to the west, the closest being those in Burgoyne Court. To the south of the site is an area of open space and a public car parking area.

TYPE OF PUBLICITY:

Site Notice Posted
Neighbour Notifications

CONSULTEES:

Durham Bat Group
Northumbrian Water
Force Planning And Police Architectural Liaison Officer
Director Of Childrens Services
Director Of Community And Cultural Services

Final Date for Receipt of Representations: **08.04.2009**

REPRESENTATIONS:

Neighbours

To date, one representation has been received in objection to the scheme following the Council's neighbour consultation and wider publicity process. However, the applicant's own community consultation exercise, prior to the

submission of the application resulted in receipt of two letters which were included with the applicant's Statement of Community Involvement. These letters were from the occupiers of the dwellings at 17, 18 and 19 Burgoyne Court to the west of the application site and raised the following concerns:

- The proposed development could cause detriment to the security of residential properties in Burgoyne Court as the existing building provides the boundary wall to the rear of these properties.
- No details have been provided of whether any windows would overlook the adjacent residential dwellings.

Consultees

Northumbrian Water has advised that the application has been examined and there are no objections to the proposal.

The Police Architectural Liaison Officer has advised that as the application is only in outline at the current time, insufficient information is available to fully assess the proposal in light of Secured by Design certification. This would be fully assessed, should consent be granted for this application upon submission of an application for the reserved matters.

Durham Bat Group has advised that five species of bat have been noted in recent times in the Concord area and that similar buildings in County Durham have been found to accommodate bat roosts. It was therefore advised that whilst it is accepted that the buildings are not an important nursery roost, there is a risk of bat use and as such provision should be made for roosting bats in the fabric of any future development of the site.

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_16_Retention and enhancement of existing woodlands, tree belts and hedgerows

CN_18_Promotion of nature conservation (general)

CN_22_Developments affecting protected wildlife species and habitats

EN_5_Protecting sensitive areas from new noise/vibration generating developments

EN_6_Limit exposure of new noise/vibration sensitive developments to existing sources

H_8_Windfall sites to accord with other policies unless specific benefits are provided

S_2_Encouraging proposals which will enhance / regenerate defined existing centres.

S_3_Support to other existing centres, local groups and small shops, including new provision

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

T_22_Parking standards in new developments

WA_7_Retention and improvement of Concord Shopping Centre

COMMENTS:

The main issues to be considered in determining this application are:-

- 1) Principle of the Development.
- 2) Highways and Car Parking.
- 3) Ecology.
- 4) Impact on Residential Amenity.

1) Principle of the Development.

The site is located within Concord Shopping Centre and as such, Unitary Development Plan (UDP) policies WA7, S2 and S3 are applicable to the proposal. In addition, as the proposal relates to new residential development on land not allocated for such a purpose, UDP policy H8 and Appendix 7, Section 3 of the Council's Interim Strategy for Housing Land (ISHL) are also applicable.

Guidance provided through policy WA7 seeks to retain and improve the Concord Shopping Centre. The proposed development will result in the loss of a building previously operated for commercial purposes, however it is recognised that the building is of a bespoke design, having been erected as a cinema and as such, the scope for conversion to alternative uses is limited. The applicant has provided details of a number of preliminary enquiries to potential developers with the aim of securing the building for commercial uses, but has confirmed that no offers have been received following their attempts to market the building. As the building remains vacant and has been since autumn 2007 and has not been successfully marketed for any alternative uses, the existing building is effectively redundant and redevelopment for housing is considered to be appropriate. It is therefore considered that the development accords with policy WA7 by improving the diversity of premises available in Concord through provision of residential dwellings in place of a redundant building, delivering physical and environmental improvements to the area south of Victoria Road.

Policy S2 aims to sustain and enhance the vitality, viability and appropriate diversification of existing centres (including Concord Shopping Centre), uses considered appropriate or able to complement the retailing function of these areas are stated in this policy, but do not include residential development. It is noted within this policy that development proposals in these centres for uses not listed will be decided on their merits. In this regard, the proposal for residential development is considered appropriate in the context of guidance provided through Policy S2 by delivering diversification to Concord Shopping Centre and supporting the future viability of the area through the development of a site where no other form of development has been forthcoming.

Policy S3 supports the retention of existing shopping centres where individual units become of doubtful viability, consideration will be given to the conversion of premises to non-retail uses providing that an acceptable level of everyday shopping remains and that the proposed use will not conflict with either established uses in the neighbourhood or other policies of the plan. In this regard, the building has never operated as a retail unit and the redevelopment of the site for residential purposes will not impact upon the provision of the retail offer in Concord and it is not considered that the proposal will conflict with any other policies of the plan as detailed above. As the building has remained vacant

for some considerable time with limited developer interest, the future viability of the building for commercial or retail uses is considered doubtful and the redevelopment for residential purposes is considered to be appropriate in principle.

Policy H8 provides guidance relating to the delivery of housing on sites not specifically allocated for such purposes, which are known as windfall sites. In this regard, the proposed residential development is considered to be appropriate as it represents the redevelopment of previously developed land, adjacent to existing residential properties. Guidance provided within Paragraph 3B of Appendix 7 of the ISHL document relates to windfall sites of between 10 and 99 dwellings and it is considered that the current proposal accords with this guidance, providing 16 dwellings which would not cause an adverse impact on non-strategic sites and is located in a sustainable location close to services/facilities, employment opportunities and public transport.

In light of the above, it is considered that the proposal accords satisfactorily with the relevant policies of the UDP and as such, the principle of the proposed residential development is considered to be acceptable.

2) Highways and Car Parking.

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

Vehicular access to the site is proposed from Vermont, via the access to Burgoyne Court from the south into a parking court which the indicative layout shows as containing 16 spaces between the proposed building and Victoria Road to the north of the site. Additionally, it is proposed to link in to the existing footpath from Burgoyne Court to Victoria Road to provide pedestrian access to the main shopping area of Concord, with the pedestrian access to the site securely gated. It should be noted that the internal site layout is not being agreed at this time.

The route by which vehicular access is proposed to the site, is currently partly made up of an unadopted, cobbled back lane to the east of the existing building. It is considered that in the interests of highway safety that should Members be minded to approve the scheme that as access is currently being considered as part of this application, conditions should be imposed requiring that prior to the commencement of any development on site, the access should be made up to adoptable standards, providing a minimum 6 metre radii, a minimum 1.8 metre wide adoptable verge/footway with associated street lighting and drainage works. It is thus considered that subject to the imposition of appropriate pre-development conditions, the development is acceptable in highway safety terms and complies with policy T14.

With regard to car parking, it is considered that notwithstanding the normal requirement to provide one car parking space per three dwellings for visitors, that the proposal to provide one parking space per apartment is acceptable in this instance, given the siting of the proposed development in a local centre in close proximity to public transport links and the existence of an open public car park

immediately to the south of the site, which could provide for the parking needs of visitors. As such, the proposal is considered to comply with the requirements of UDP policy T22.

3) Ecology.

UDP policy CN18 seeks to promote the interests of nature conservation by encouraging landowners to adopt management regimes sympathetic to nature conservation, making provision in development for preservation of habitats and creation of new habitats. Policy CN22 dictates that development which would adversely affect any animal or plant species afforded special protection by law will not be permitted unless mitigating action is achievable through the use of planning conditions.

The application is accompanied by a risk assessment aimed at determining the presence of bats within the building and associated mitigation works which would be required in any future development of the site. This information has been given detailed consideration with due regard to policies CN18 and CN22 of the UDP which relate to nature conservation and protected species.

The survey identified no potential roost sites in the building and categorised the site as low risk in terms of the presence of bats. Notwithstanding this, the ecological consultant has produced a method statement for the demolition of the building, which sets out a careful method of demolition and particularly removal of windows and doors whilst checking for obvious gaps etc which could provide a bat roost.

The survey considers the property to be very unlikely to support a bat roost or hibernation site with only a small possibility of crevice dwelling bats. Consequently, it is recommended that should members be minded to grant consent, conditions be imposed requiring that:

- All workers involved in the demolition of the building or the erection of new buildings on site shall be issued with and fully comply with the method statement produced by the ecological consultant.
- The new buildings incorporate bat friendly measures such as bat tiles or roosting units, details of which would be required to be submitted to and agreed with the Local Planning Authority prior to the commencement of development.

It is considered that subject to the imposition of these conditions the proposal accords with the requirements of UDP policies CN18 and CN22.

4) Impact on Residential Amenity.

Policy B2 of the adopted UDP seeks to ensure that large schemes relate harmoniously to their surroundings and retain acceptable levels of privacy.

With regard to the siting of the proposed apartments in relation to surrounding dwellings, due regard has been given not only to the requirements of UDP policy B2 as detailed but also section 10C of the Residential Design Guide Consultation Draft Supplementary Planning Document (SPD).

This document deals specifically with the separation distances required between buildings in new proposals for residential development. It is considered that weight should be given to the recommended minimum distances required to ensure levels of outlook and privacy are created and retained. In this regard a minimum distance of 21 metres is required to be maintained between main facing windows (habitable window to habitable window) for two storey properties, increasing to 26 metres for three storey properties, this distance being reduced to 14 metres for main facing windows facing side or end elevations (with only secondary windows or no windows) for two storey properties, increasing to 19 metres for three storey properties.

As the details of the position, scale and appearance of buildings on the site are reserved matters, it is not possible to fully assess the impact of the development on residential properties to the west in Burgoyne Court. Notwithstanding this, the submitted indicative layout plan indicates a 14 metre separation distance between the residential dwellings in Burgoyne Court and the two storey element of the proposed building and a 19 metre separation distance to the three storey element of the proposed building. It is therefore considered that should members be minded to approve the application, that conditions be imposed requiring that the development fully adheres to the minimum spacing standards. A condition should also be imposed that the developer shall provide new boundary walls to the rear of those properties in Burgoyne Court currently bound by the existing building as part of the redevelopment of the site.

In view of the above it is considered that the imposition of appropriate conditions on any consent issued, would ensure that the proposed redevelopment of the site would have no significant adverse impacts on the amenities of nearby residential occupiers in accordance with policy B2 of the UDP.

Conclusion

It is considered that the proposed development is acceptable in principle subject to the imposition of appropriate conditions on any consent issued. Members are recommended to approve the proposal subject to the conditions set out below.

RECOMMENDATION: Approve

Conditions:

- 1 Application for approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last reserved matters to be agreed. Imposed pursuant to the provision of Section 91 of the Town and Country Planning Act 1990 as amended by section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 Details of the following matters (hereinafter referred to as the reserved matters) - , Scale, Landscaping, Layout and Scale shall be submitted to and approved in writing by the Local Planning Authority, in order to ensure a satisfactory form of development and to comply with policies B2 and T14 of the Unitary Development Plan.

- 3 Notwithstanding the submitted application and plans this permission shall not commit the Local Planning Authority to the approval of the number of units, siting, height or specific design and external appearance of the proposed building comprising the apartments, in order for the Local Planning Authority to retain control over the development and to comply with policy B2 of the Unitary Development Plan.
- 4 Notwithstanding the submitted plans, the proposed building shall be sited so as to fully accord with the minimum spacing requirements as set out in Section 10C of the Council's Residential Design Guide Supplementary Planning Document, in order to achieve a satisfactory form of development and to comply with policy B2 of the Unitary Development Plan.
- 5 No development shall take place until details of replacement boundary walls to the rear gardens of 17, 18 and 19 Burgoyne Court have been submitted to and agreed in writing with the Local Planning Authority. Once the existing building has been demolished, the replacement boundary enclosures shall be erected within one month and prior to the commencement of any works to erect the building comprising the apartments. The agreed scheme once implemented shall be retained as such thereafter in the interests of visual and residential amenity of the occupiers of the existing dwellings and to accord with policy B2 of the Unitary Development Plan.
- 6 No development shall take place until details of a temporary means of boundary enclosure to the rear of 17, 18 and 19 Burgoyne Court have been submitted to and agreed in writing with the Local Planning Authority. The agreed temporary enclosure shall be erected immediately following demolition of the building and shall remain in place until the permanent replacement boundary wall has been erected in the interests of visual and residential amenity of the occupiers of the existing dwellings and to accord with policy B2 of the Unitary Development Plan.
- 7 Notwithstanding any indication of materials which may have been given in the application, no development shall take place until samples of the materials and finishes to be used for the external surfaces, including walls, roofs, doors and windows has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details; in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.
- 8 Prior to the commencement of the development hereby approved, details of the proposed means of demolition of the existing building shall be submitted to and agreed in writing with the Local Planning Authority. For the avoidance of doubt, this shall include specific details in relation to the retention of the existing restaurant, without detriment to its structural stability. Once agreed, the demolition shall take place entirely in accordance with the approved details so as to accord with policy B2 of the Unitary Development Plan.

- 9 No part of the development shall be occupied until the off street parking provision of at least one space per apartment has been constructed, surfaced and made available in accordance with the approved plans. This parking area shall then be retained and permanently reserved for the parking of vehicles to ensure that adequate and satisfactory provision is made for the off street parking of vehicles and to comply with policy B2, T14 and T22 of the Unitary Development Plan.
- 10 Before the development hereby approved is commenced the details of any floodlighting/ exterior lighting shall be submitted to and approved in writing by the local planning authority. The lighting shall be installed in accordance with the approved plans before the building is occupied, in order to ensure a satisfactory form of development and to comply with policy B2 of the Unitary Development Plan.
- 11 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping and treatment of hard surfaces which shall include indications of position, species and condition of all existing trees and hedgerows on the land, a management programme for trees and hedgerows that are to be retained and details for their protection during the course of development, along with appropriate ecological enhancements in the interests of visual amenity and to comply with policies B2 and CN16 of the Unitary Development Plan.
- 12 All planting, seeding or turfing and ecological enhancements comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the buildings or the completion of the development whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation, in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.
- 13 The development shall be carried out in complete accordance with the summary, recommendations and method statement of the Bat Survey Report submitted with the planning application and prior to the commencement of development, copies of this strategy shall be issued to the developer and building contractors working on site who shall work in complete accordance with its detailed recommendations, in order to ensure a satisfactory form of development and to comply with policies CN18 and CN22 of the Unitary Development Plan.
- 14 Prior to the commencement of works on site, precise details of the bat mitigation measures bat bricks/tiles and roosting units with respect to aspect, cavity walls and external lighting shall be submitted to and agreed in writing with the Local Planning Authority. Once approved, the agreed details shall be implemented and maintained as such thereafter in order to ensure a satisfactory form of development and to comply with policies CN18 and CN22 of the Unitary Development Plan.

- 15 Notwithstanding the submitted Bat Survey, should a period of twelve months or more elapse between the date of this approval and the submission of an application for reserved matters, an additional revised Bat Survey will be required to be submitted as a part of any reserved matters application, in the interest of nature conservation and to comply with the requirements of policies CN18 and CN22 of the Unitary Development Plan.
- 16 No development shall commence on site until precise details of the layout of the access road serving the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt this shall comprise precise details of the access road adjacent to the south-eastern corner and eastern boundary of the application site. The submitted scheme shall include minimum radii of 6 metres on the highway adjacent to the south-eastern boundary of the development site and a minimum 1.8m verge/footway with associated street lighting and drainage works adjacent to the access road, unless otherwise first agreed in writing with the Local Planning Authority. Once agreed, the approved (access road) scheme shall be fully completed to the adoptable standard of the Local Highway Authority, and written confirmation of the adoptable standard of the access road shall be submitted to the Local Planning Authority prior to the commencement of the remainder of the development hereby approved in order to achieve a satisfactory form of development on site and in the interests of highway safety and to comply with the requirements of Policy T14 of the adopted UDP.
- 17 Details of all walls, fences or other means of boundary enclosure and a timetable for their implementation shall be submitted to and approved by the Local Planning Authority before the development is commenced. The agreed boundary treatment shall be completed before occupation or in accordance with the agreed timetable, in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.
- 18 Before the development hereby approved is commenced precise details of the noise attenuation measures to be used in connection with the development shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall then be fully implemented prior to the occupation of the proposed development and retained as such for the lifetime of the development unless otherwise first agreed in writing with the Local Planning Authority, in the interests of residential amenity and to comply with the requirements of policies EN5 and EN6 of the Unitary Development Plan.
- 19 No development shall take place until a scheme of working has been submitted to the satisfaction of the Local Planning Authority; such scheme to include, siting and organisation of the construction compound and site cabins, routes to and from the site for construction traffic, and measures to ameliorate noise, dust, vibration and other effects, and so implemented, in the interests of the proper planning of the development and to protect the amenity of adjacent occupiers and in order to comply with policy B2 of the Unitary Development Plan..

- 20 The works required for the development hereby approved shall only be carried out between the hours of 08.00 and 18.00 Monday to Friday and between the hours of 08.30 and 13.00 on Saturdays and at no time on Sundays or Bank Holidays in order to protect the amenities of the area and to comply with policy B2 of the Unitary Development Plan.
- 21 Throughout the construction period, no deliveries shall be made to the site except between the hours of 08.00 and 18.00 Monday to Friday and between the hours of 08.00 and 13.00 on Saturdays and at no time on Sundays or Bank Holidays in order to protect the amenities of the area and to comply with policy B2 of the Unitary Development Plan.
- 22 Before the development commences details of the method of containing the construction dirt and debris within the site and ensuring that no dirt and debris spreads on to the surrounding road network shall be submitted to and approved by the Local Planning Authority. These details shall include the installation and maintenance of a wheelwash facility on the site. All works and practices shall be implemented in accordance with the agreed details before the development commences and shall be maintained throughout the construction period in the interests of the amenities of the area and highway safety and to comply with policies B2 and T14 of the Unitary Development Plan.
- 23 Before the development hereby approved is commenced the proposed apartment building shall be pegged out on site and its exact location agreed with the Local Planning Authority, in order to achieve a satisfactory form of development and to comply with policy B2 of the Unitary Development Plan.

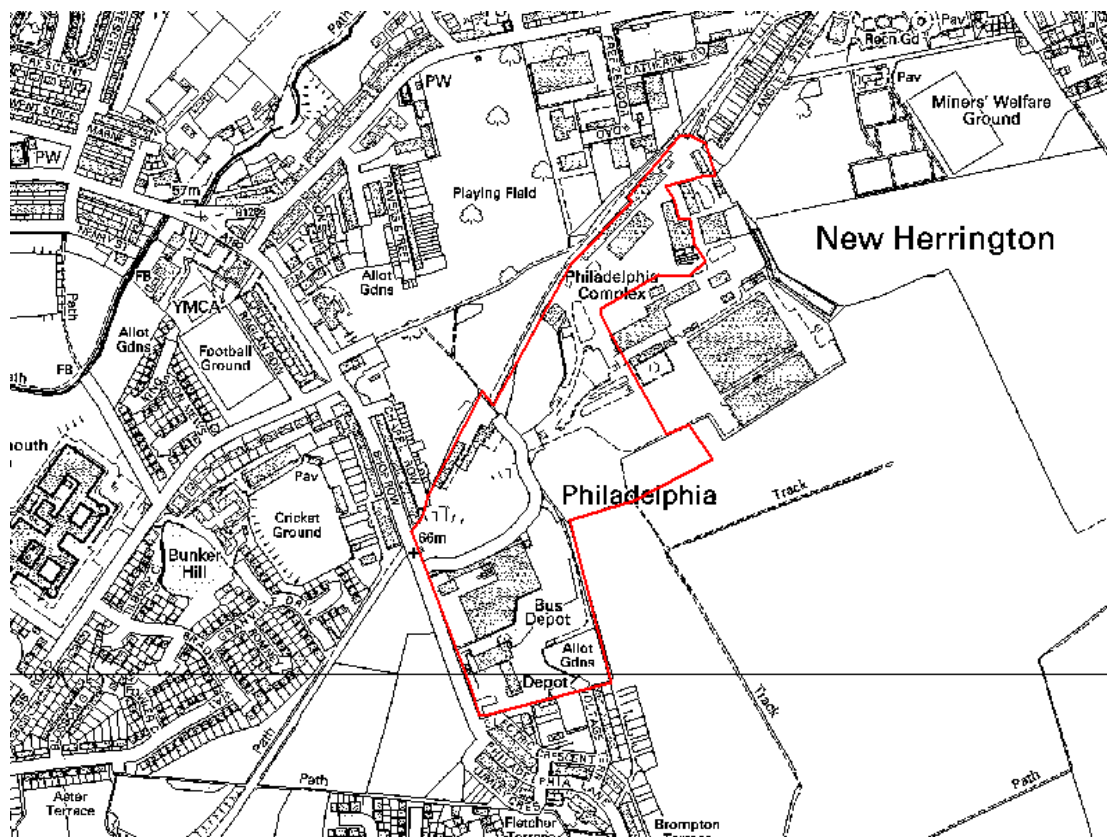
Reference No.: 09/01187/SUB Resubmission

Proposal: Erection of 303 dwellings and associated garages, roads, landscaping, open space, new access road to retained employments area, refurbishment and change of use of listed former 'Power Station' building to mixed commercial use (D2, B2, A1, A2, A3 and A4) refurbishment of a further five listed buildings and stopping up of highway and change of use to residential / commercial use (**AMENDED DESCRIPTION**)

Location: Philadelphia Complex Philadelphia Lane Newbottle
Houghton Le Spring

Ward: Shiney Row
Applicant: Persimmon Homes (North East) Ltd
Date Valid: 1 April 2009
Target Date: 27 May 2009

Location Plan



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PROPOSAL:

The application seeks approval for the comprehensive redevelopment of the Philadelphia Complex and land adjacent to the west (allocated for housing) and to the south east (existing allotment land).

The Philadelphia Complex is positioned between Shiney Row/New Herrington and Newbottle, to the east of Philadelphia Lane in the Coalfield Regeneration Area.

The Complex has a long industrial history and from the early 19th Century has been the site of Newbottle Colliery, Dorothea Pit, Lambton Engine Works, Durham Collieries Power Station and the Sunderland and District Tramways depot.

The proposed development comprises:

- The erection of 303 dwellings (for sale) with associated access roads, parking areas and landscaping/creation of public spaces.
- Selective demolition of industrial units fronting on to Philadelphia Lane.
- Access via a T-junction off Philadelphia Lane with right turn lane and ghost island. Re- alignment of the shared access road through the site (access is to be shared between the proposed residential use and the retained industrial uses on the site). An emergency access is proposed via Voltage Terrace (currently a cul-de-sac).
- Refurbishment of 6 listed buildings located on the site (existing industrial use) and change of use of the Power Station Building to mixed commercial/leisure use (D2, B2, A1, A2, A3, A4).

The majority of the application site is allocated in the adopted Unitary Development Plan as an Existing Employment Site subject to policies HA1 and EC4. The site also includes smaller areas allocated for housing, subject to UDP Policy HA4.5 Land East of Raglan Row; a small area of Green Belt subject to UDP Policy CN2 and an area of allotments (in the south eastern portion of the proposed development site) subject to UDP Policies L8 and L9. The area of allotments is also identified on the Council's 2003 Open Space Register as a private allotment/community garden.

The proposed development is therefore a departure from the adopted Development Plan and has been advertised accordingly.

The application site also contains 6 listed buildings and an application for Listed Building Consent (reference 09/01189/LBC) has also been submitted which is being considered alongside the development proposed.

TYPE OF PUBLICITY:

Press Notice
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Director Of Community And Cultural Services
County Archaeologist
Victorian Society
English Heritage
Campaign To Protect Rural England
Director Of Children's Services
Director Of Community And Cultural Services
Amenities Societies
County Archaeologist
Commission For Architecture In The Built Environment
Durham Bat Group
Durham Wildlife Trust
Environment Agency
English Partnerships
Fire Prevention Officer
Northumbrian Water
Northern Electric
Government Office For The North East
The Highways Agency
One North East
Sustrans
Business Investment
North East Regional Assembly
Force Planning And Police Architectural Liaison Officer

Final Date for Receipt of Representations: 08.05.2009

REPRESENTATIONS:

9 letters of objection have been received on grounds of:

- Emergency access from Voltage Terrace and associated detrimental impact upon residential amenity.
- Generation of additional traffic/impact upon existing highways.
- Additional congestion/parking on Voltage Terrace
- Loss of industrial land and impact upon employment opportunities
- Conflicting land use: Industrial/residential and associated noise and disturbance issues.
- Impact upon existing industrial operations located on the Philadelphia Complex.
- Impact upon local services and environment

Consultation Responses

Association of North East Councils

In terms of the Regional Spatial Strategy (RSS), the conformity appraisal concluded that there was concern about the redevelopment of the majority of the site for housing due to the loss of employment land, particularly given the shortfall of employment land provision in Tyne and Wear. In addition, the application should include energy efficiency measures, embedded renewable

energy generation and Sustainable Urban Drainage Systems to be in conformity with the RSS.

The proposal to develop 303 dwelling units on approximately 9 hectares of this site for residential development conflicts with regional planning policy objectives, due to the loss of approximately 7 hectares of employment land. There is a defined employment land shortage in Tyne and Wear detailed in the RSS. Releasing this land for alternative uses may also present a conflict to the local authority in allocating employment land to meet targets identified in RSS policy 18.

The proposed re-use of previously developed land within a settlement defined in RSS reflects the locational priorities and objectives of the RSS. However, the majority of the application site is designated employment land and the development of 303 houses would mean a loss of employment land, which is not consistent with RSS policy 18. In addition, the proposal does not incorporate any energy efficiency or generation measures or the use of SUDs. This proposal is not in general conformity with the RSS.

County Archaeologist

Welcomes a scheme that retains the unlisted "high sheds" and brings the listed Power Station back into use. However, the County Archaeologist requires that the scheme be revised to retain two small buildings adjacent to the Power Station and also requires that a scheme of building recording is undertaken prior to a decision being made regarding this application. Trial trenching is also required on site prior to any development.

Environment Agency

The Environment Agency Objects to the proposed development. The Flood Risk Assessment submitted with the application does not comply with the requirements set out in Annex E, paragraph E3 of Planning policy Statement 25 (PPS 25). The submitted FRA does not therefore, provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.

Highways Agency

The applicant has not considered the impact of the development on the strategic road network (namely the A1(M) and A19). In order to expedite matters the Highways Agency have undertaken an assessment. This assessment shows that the proposed development would cause an increase in traffic on the strategic road network although not at a level at which physical mitigation works would be required. The Highways Agency does not object but does recommend that the proposed development should seek to minimise its traffic impact through the implementation of a comprehensive Travel Plan.

Network Rail

No Observations.

Further consultation responses are awaited from:

Council for British Archaeology
Victorian Society
English Heritage
Director of Children's Services
Director of Community and Cultural Services
Amenities Societies
Commission for Architecture in the Built Environment
Durham Bat Group
Durham Wildlife Trust
English Partnerships
Fire Prevention Officer
Northumbrian Water
Northern Electric
Crime Prevention Officer
Sustrans
Business Investment

POLICIES:

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

HA_4_Sites for new housing
HA_1_Retention and improvement of established industrial / business areas
HA_17_Maintenance of a Green Belt
CN_2_Purpose of the Green Belt in Sunderland
CN_3_Control of development within the Green Belt
CN_4_Control of other operations in the Green Belt
CN_5_Safeguarding the visual amenity of the Green Belt
CN_15_Creation of the Great North Forest
B_2_Scale, massing layout and setting of new developments
T_14_Accessibility of new developments, need to avoid congestion and safety problems arising
EC_4_Retention and improvement of existing business and industrial land
B_8_Demolition of listed buildings
B_10_Development affecting the setting of listed buildings
B_11_Measures to protect the archaeological heritage of Sunderland (general)
B_13_Sites and monuments of local importance affected by development
HA_14_Allotment sites to be upgraded
L_8_Encourage and enhance the provision and distribution of allotments
EN_10_Proposals for unallocated sites to be compatible with the neighbourhood
L_9_Retention of land used for allotments

COMMENTS:

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

- Principle of the proposed development
- Highway access and car parking arrangements
- Impact upon the surrounding road network
- Design and layout of proposed residential dwellings

- Impact upon the residential amenity of occupiers of existing, neighbouring residential areas
- Impact upon the retained industrial/employment site
- Relationship between the retained employment use (B1, B2, B8 and sui generis uses) and proposed residential use (C3)
- Impact upon Listed Buildings and Archaeology
- Impact upon protected species
- The benefits of the development

All matters relating to this application remain under consideration. It is anticipated that these considerations will be concluded prior to the meeting of the Development Control (Hetton, Houghton & Washington) Sub-Committee and reported on the supplementary report accordingly.

RECOMMENDATION: Director of Development and Regeneration to Report

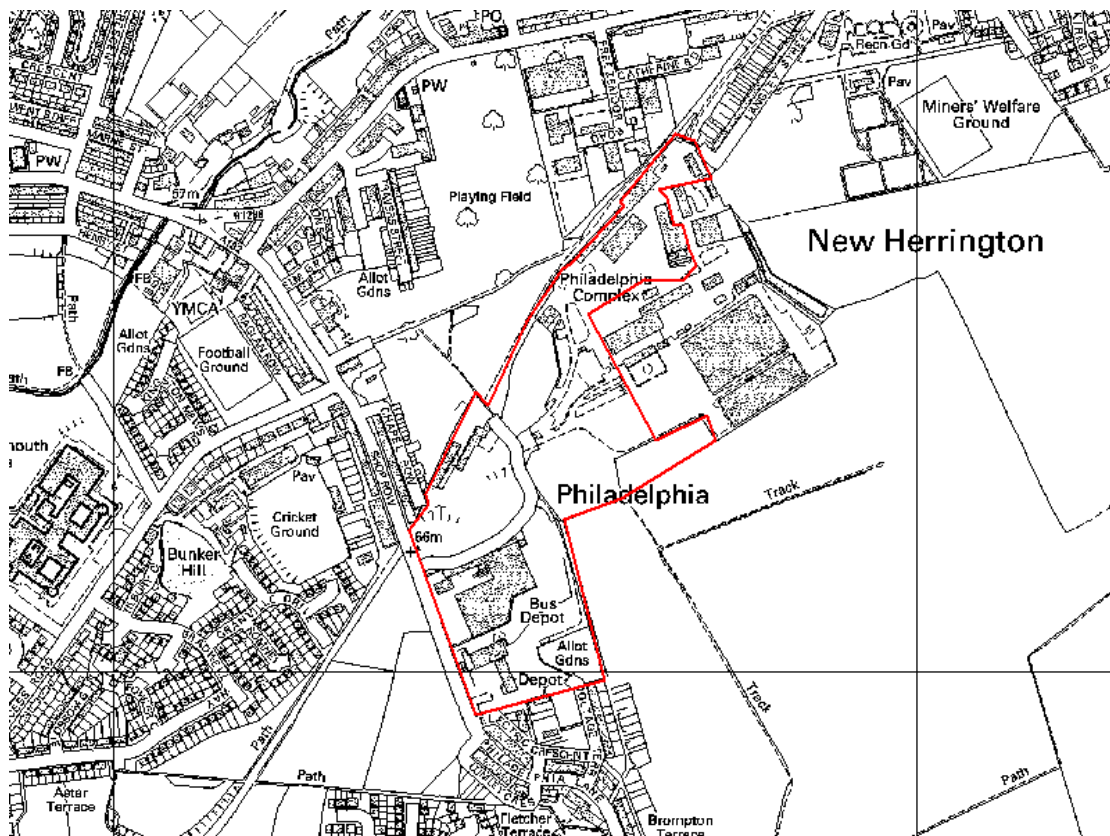
Reference No.: 09/01189/LBC Listed Building Consent

Proposal: Refurbishment and change of use of listed former 'Power Station' building to mixed commercial use (D2, B2, A1, A2, A3 and A4) refurbishment of a further five listed buildings and stopping up of highway and change of use to residential / commercial use

Location: Philadelphia Complex Philadelphia Lane Newbottle
Houghton-Le-Spring DH4 4UG

Ward: Shiney Row
Applicant: Persimmon Homes (North East) Ltd
Date Valid: 17 April 2009
Target Date: 12 June 2009

Location Plan



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PROPOSAL:

The Philadelphia Complex is positioned between Shiney Row/New Herrington and Newbottle, to the east of Philadelphia Lane in the former Durham Coalfield area.

The Complex has a long industrial history and since the early 19th Century has been the site of Newbottle Colliery, Dorothea Pit, Lambton Engine Works, Durham Collieries Power Station and the Sunderland and District Tramways depot.

This application seeks Listed Building Consent for the refurbishment and change of use of the listed former Power Station building on the Philadelphia Complex to mixed commercial use (D2,B2,A1,A2,A3 and A4). Listed Building Consent for the refurbishment of a further five listed buildings located in the northern area of the Philadelphia Complex site is also sought. The five listed buildings in the northern area of the site are to be retained to provide accommodation for a mix of business uses.

This Listed Building Consent accompanies an application for full planning permission (planning reference 09/01187/SUB) for the comprehensive redevelopment of the Philadelphia Complex including the erection of 303 dwellings, associated garages, roads, landscaping, open space and new access road to the area of employment land to be retained on the site.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Head Of Community Services
Amenities Societies
County Archaeologist
Victorian Society
English Heritage
Durham Bat Group
Commission For Architecture In The Built Environment
Director Of Community And Cultural Services
Durham Wildlife Trust
Northumbrian Water
Fire Prevention Officer
Northern Electric
Campaign To Protect Rural England
Director Of Childrens Services
Environment Agency
Environment Agency
Government Office For The North East
Force Planning And Police Architectural Liaison Officer
One North East
The Highways Agency
Sustrans
North East Regional Aggregate Working Party
Business Investment

Final Date for Receipt of Representations: **29.05.2009**

REPRESENTATIONS:

No representations have been received.

POLICIES:

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

HA_4_Sites for new housing
HA_1_Retention and improvement of established industrial / business areas
HA_17_Maintenance of a Green Belt
CN_2_Purpose of the Green Belt in Sunderland
CN_3_Control of development within the Green Belt
CN_4_Control of other operations in the Green Belt
CN_5_Safeguarding the visual amenity of the Green Belt
CN_15_Creation of the Great North Forest
B_2_Scale, massing layout and setting of new developments
T_14_Accessibility of new developments, need to avoid congestion and safety problems arising
EC_4_Retention and improvement of existing business and industrial land
B_8_Demolition of listed buildings
B_10_Development affecting the setting of listed buildings
B_11_Measures to protect the archaeological heritage of Sunderland (general)
B_13_Sites and monuments of local importance affected by development
HA_14_Allotment sites to be upgraded
L_8_Encourage and enhance the provision and distribution of allotments
EN_10_Proposals for unallocated sites to be compatible with the neighbourhood
L_9_Retention of land used for allotments

COMMENTS:

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

- The impact of the proposed change of use of the former Power Station upon the historic fabric of the listed building.
- The impact of the proposed renovation works to five listed buildings located within the Philadelphia Complex upon the historic fabric of those listed buildings.
- The impact of the proposed renovation works and change of use of listed buildings upon the development proposed by planning application 09/01187/SUB (for the comprehensive redevelopment of the Philadelphia Complex).

All matter relating to the above remain under consideration. it is anticipated that these considerations will be concluded prior to the meeting of the Development Control (Hetton, Houghton & Washington) Sub Committee and reported on the Supplement accordingly.

RECOMMENDATION: Dir. of Dev. and Regeneration to Report

Reference No.: 09/01280/SUB Resubmission

Proposal: **Erection of extension to existing Industrial unit, (Eastern elevation) and associated ground works and landscaping.**

Location: Heyrod Construction Limited Rainhill Road Washington

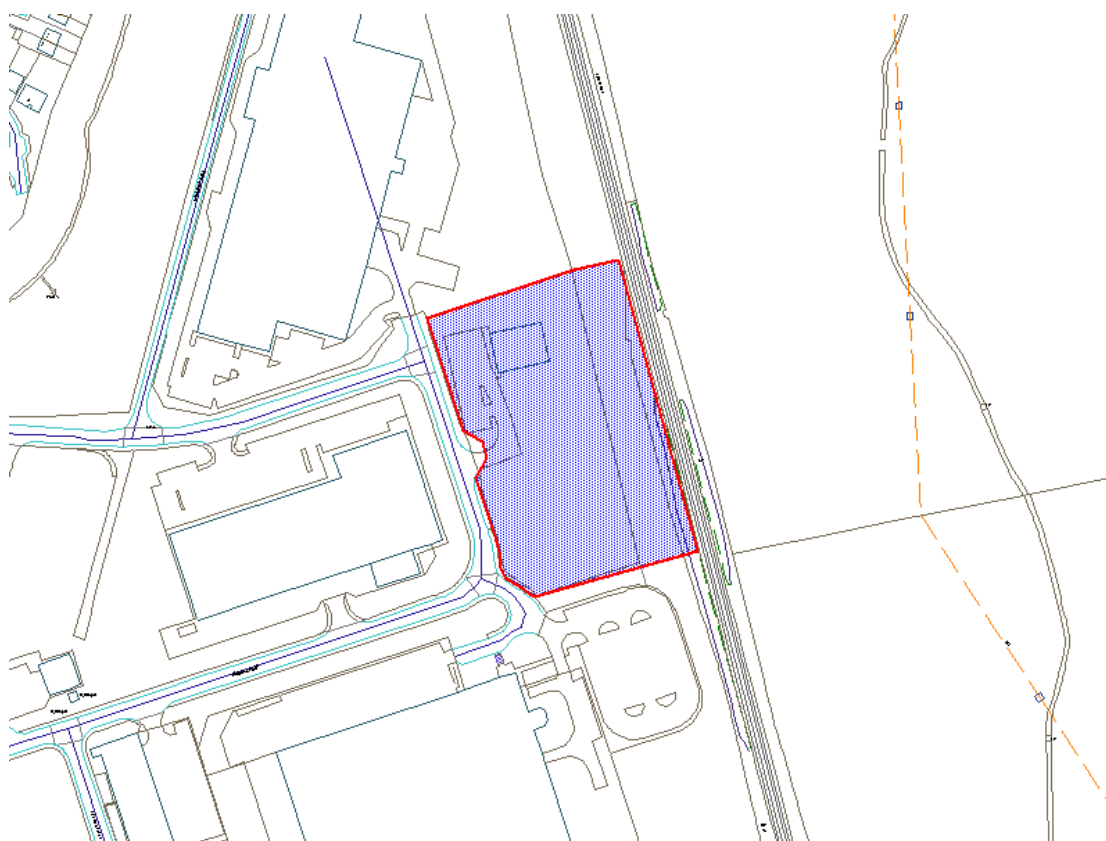
Ward: Washington North

Applicant: Heyrod Construction Ltd

Date Valid: 15 April 2009

Target Date: 10 June 2009

Location Plan



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PROPOSAL:

The proposal involves the erection of a 664 square metres of storage space with no additional car parking provision indicated. The proposal will extend eastwards from the eastern elevation of the existing building and result in the removal of a bund approximately 100 metres long and between 20-22 metres wide (over 2000 sq. m.) and approximately 3 metres high, which runs parallel to the adjacent Leamside line and is planted with mature and semi-mature trees which along with shrubs and low planting successfully screens the Stephenson Industrial Estate

from the adopted Green Belt to the east. To mitigate this loss the application includes a proposed 5 metre wide and 2.5 metre high bund with trees planted along it.

The proposed extension is a metal clad steel framed construction which matches the design and form of the existing factory.

Members may recall a planning application for the erection of an additional 664 sq.m for storage extending 36 metres to the east (08/04634/FUL refers). The application was withdrawn by the applicant to allow further discussions as the recommendation was to refuse to grant planning permission.

Members may also recall a planning application for the erection of a 725 sq m extension to the east of the existing factory unit extending 42 metres to the east (06/02020/FUL refers), the scheme also allowed for the provision of an additional 37 car parking spaces. The application was also withdrawn by the applicant to allow further consideration as the recommendation was also to refuse to grant planning permission.

Both schemes were considered unacceptable for the following reasons:-

- 1 The proposal would result in the loss of mature trees in a strategic screen planting area to the detriment of visual amenity and contrary to policies CN16, CN17 and WA17 of the adopted UDP.
- 2 The proposal will result in the loss of trees which act as a screen between Stephenson Industrial Estate and the adjacent Green Belt resulting in a loss of visual amenity from the Green Belt contrary to policy CN5 of the UDP.

In between the above submissions an application (07/01064/FUL) for the erection of an 807 sq m extension to the existing factory unit in the form of a metal clad steel framed construction matching the design and form of the existing factory aligned in a north south direction from the existing building parallel to the adjacent Leamside line was granted planning permission on 24 April 2007. This consent has not been implemented.

TYPE OF PUBLICITY:

Site Notice Posted
Neighbour Notifications

CONSULTEES:

Director Of Community And Cultural Services
Environment Agency

Final Date for Receipt of Representations: 07.05.2009

REPRESENTATIONS:

Director of Community and Cultural Services.

The Director has commented that the trees on the site are a mixed species and they have established well upon a difficult site, the trees have been thinned and are growing well. They currently provide an established screen between the green belt and factory units.

The option to remove and replace the bund and then replant may result in the replacement trees not establishing and therefore the screen they could potentially provide would be lost.

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_5_Safeguarding the visual amenity of the Green Belt

CN_16_Retention and enhancement of existing woodlands, tree belts and hedgerows

CN_17_Tree Preservation Orders and replacement of trees

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

T_22_Parking standards in new developments

WA_1_Retention and improvement of established industrial / business area

WA_17_Provisions for maintaining the environmental identity of Washington New Town

WA_26_Identification of Strategic multi-user routes and their protection from development

COMMENTS:

The key issues to consider in determining this application are:-

- The principle of the use.
- Design.
- Effect on the adjacent tree belt.
- Effect on views from the Green Belt.
- Highway related issues.

The principle of the use.

The site lies within the Stephenson Industrial Estate and as such is on land which is allocated for industrial purposes in the UDP, policy WA1. As such, an extension to an existing industrial unit is considered as being acceptable in principle and appropriate in this location.

Design.

The design of the proposal is considered acceptable as the style and materials proposed match the existing and in this respect would conform to policy B2 of the UDP.

However the proposed layout and setting do not respect and enhance the best qualities of the locality or relate harmoniously to adjoining areas, in particular the adjacent Green Belt, and in this respect is contrary to policy B2 of the UDP.

Effect on adjacent tree belt.

Policies CN16 and CN17 of the UDP relate respectively to:-

- The retention and enhancement of existing woodlands, tree belts etc. to emphasise and enhance the breaks between settlements, soften the hard visual edge of the urban areas; enhance the main transport corridors, employment areas and wildlife corridors, further green the urban environment; provide shelter belts to screen unattractive features whilst retaining and enhancing panoramic views; assist in the creation of the Great North Forest and the enhancement of the Green Belt.
- The retention of trees which make a valuable contribution to the character of an area by the making of tree preservation orders whilst retaining trees, hedges and landscape features in all new development where possible.

The position of the extension follows the line of the existing building and runs in an easterly direction towards the Leamside railway line which runs across the entire eastern end of the site and forms the boundary of the Green Belt.

There is a 3 metre high mound and belt of mature trees some 20-22 metres wide and 100 metres long which forms part of strategic planting in the former New Town area.

It is considered that the loss of such a significant area of trees in such a fragmented manner is not acceptable and could set a precedent for other planted areas which may come under pressure from development. This concern is exacerbated by the proposal to remove such a large swathe of planting to reveal developments which whilst not within the Green Belt are visible from within it. The proposed replacement 5 metre wide and 2.5 metre high bund with trees planted along the bund are not considered an adequate replacement and may result in the replacement trees not establishing and therefore the screen would not be achieved. It is also considered they would be far inferior to the existing situation which consists of a substantial and established plantation. While at present there is some planting adjacent to the railway which would provide some limiting screening of the site were consent to be granted, this may also need to be removed if the Leamside line is brought back into use. Thus there does not appear to be justification for removing the planting

In this respect the proposal is contrary to policies CN16 and CN17.

This planting is typical of the landscaping philosophy of the former New Town and UDP policy WA17 states:-

"The City Council will seek to maintain the environmental identity of Washington New Town by:

- (i) protecting landscaped areas and open space from development;
- (ii) requiring new development to achieve and maintain the high standard of landscaping within the new town;

The proposal is thus considered contrary to policy WA17 of the UDP as this area of strategic planting would be lost creating an unsightly gap in the bund which screens the industrial estate from the Green Belt.

Effect on views from the Green Belt.

The position of the extension follows the line of the existing building and runs in an easterly direction towards the Leamside railway line which runs across the entire eastern end of the site and forms the boundary of the Green Belt.

As stated there is a 3 metre high mound and belt of mature trees some 20-22 metres wide and 100 metres long which screens the industrial estate in accordance with policy CN5 of the UDP which states that care will be taken to ensure that the visual amenities of the Green Belt will not be injured by proposals for development within, or conspicuous from it.

The justification for policy CN5 in para.11.37 of the UDP explains that:

"The appearance of the Green Belt may be further enhanced by ensuring strict control of the form and footprint of the development within or adjoining its boundary. Much of the Green Belt comprises attractive landscape, the river valley and the extensive plain of the magnesian limestone escarpment and therefore where development is permitted, its design will need to take account of potential impact on the wider landscape. The visual amenities of the Green Belt should not be injured by proposals which, although not prejudicial to the purposes of the Green Belt, might be inappropriate by reason of their scale, siting, materials or design."

The size and location of the proposed extension is not considered to be acceptable due to the orientation of the proposed extension and consequential loss of a bund and planting which screen the Industrial Estate from the adopted Green Belt contrary to policy CN5.

In addition PPG2 Green Belts in para 3.15 states:

"The visual amenities of the Green Belt should not be injured by proposals for development within or conspicuous from which, although they would not prejudice the purposes of including land in Green Belts, might be visually detrimental by reasons of their siting, materials or design."

Further Para B5 of Annex B to PPG2 also states:

"Valuable landscape and wildlife features and existing access for recreation should be protected."

Highways.

The Leamside line is located immediately to the east of the proposal, and is to be protected from development and maintained as a public transport corridor/strategic multi-user route in accordance with policy WA26.3 of the UDP.

There are currently no claimed public rights of way within the site boundary there is however a worn footpath along the top of the bund which obviously remains in use despite attempts to fence this off. The applicant has been made aware of the provisions of Section 31 of the Highways Act 1980 which relate to presumed dedication of public rights of way where there has been 20 years use by the public as of right and without interruption, and also Section 53 of the Wildlife and Countryside Act 1981 by means of which such ways may be added to the Definitive Map.

It is noted that no additional parking bays are to be provided in association with this proposal. The application for the previous proposal included the provision of 33 bays, which meets the parking requirement for both the existing operation and the proposed extension; this has not been provided in this instance though there appears space for this provision.

The proposal as submitted does not indicate the provision of appropriate turning and manoeuvring facilities within the development boundary, to allow vehicles to access the workshop and storage areas and then exit in a forward gear.

The proposed highways arrangements are as per the existing on site arrangements. Notwithstanding other issues it would be a requirement that the provision of adequate parking, turning and manoeuvring facilities within the site are provided should planning permission be granted, in the absence of such provision within this application the proposal is contrary to policy T14 of the UDP.

Conclusion.

In the light of the above it is considered that the proposed extension is contrary to the requirements of policies T14, CN5, CN16, CN17 and WA17 of the adopted UDP. As such Members are recommended to refuse to grant planning permission for the reasons set out below.

RECOMMENDATION: Refuse

Reasons:

- 1 The proposal would result in the loss of semi mature and mature trees in a strategic screen planting area to the detriment of visual amenity and contrary to policies CN16, CN17 and WA17 of the adopted UDP and advice handed down in PPG2 Green Belts, para 3.15.
- 2 The proposal will result in the loss of trees which act as a screen between Stephenson Industrial Estate and the adjacent Green Belt resulting in a loss of visual amenity from the Green Belt contrary to policies B2 and CN5 of the UDP and advice handed down in PPG2 Green Belts, para 3.15.
- 3 The proposed development would lead to the attraction of vehicles to and from the site without adequate parking, appropriate turning and manoeuvring facilities to allow vehicles to access the workshop and storage areas and then exit in a forward gear and would lead to the

creation of conditions prejudicial to road safety and as such is contrary to policy T14 of the UDP.

Reference No.: 09/01287/FUL Full Application

Proposal: Installation of 2no. 17.7m high wind turbines (including blades) **AMENDED DESCRIPTION**
30.04.09

Location: Houghton Kepier School Dairy Lane Houghton-le-Spring

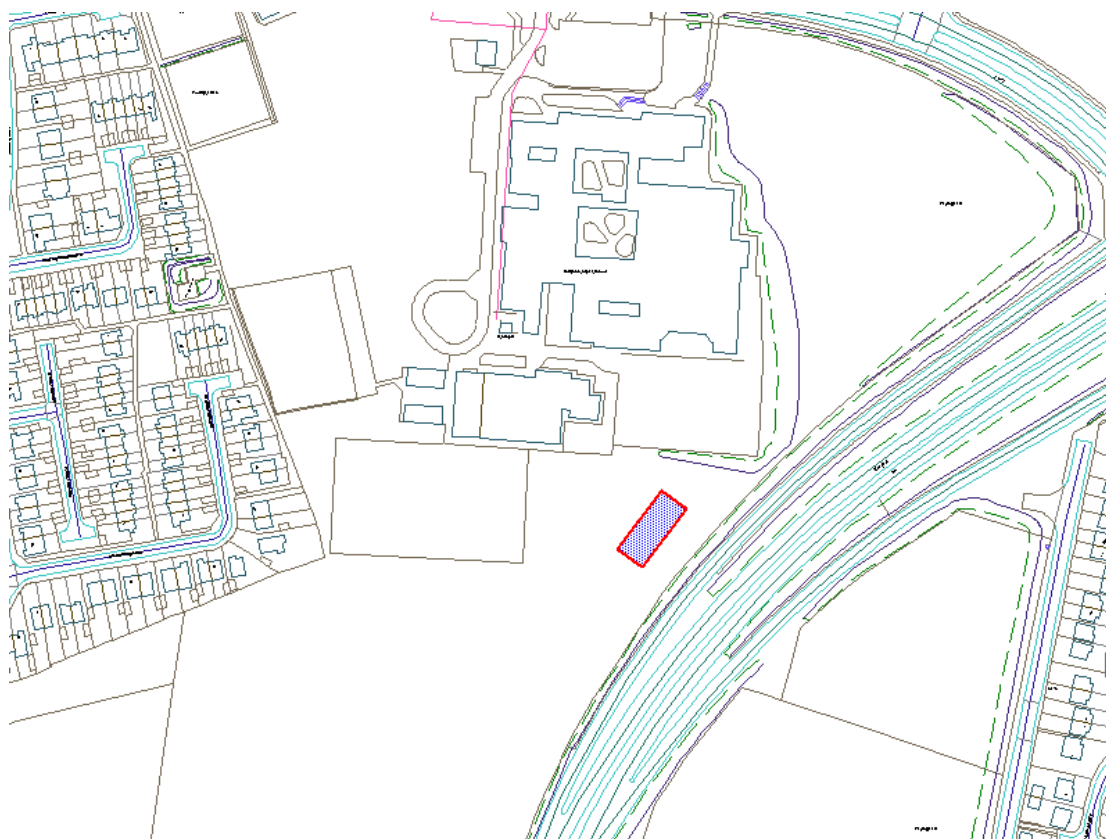
Ward: Houghton

Applicant: Houghton Kepier Sports College

Date Valid: 29 April 2009

Target Date: 24 June 2009

Location Plan



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PROPOSAL:

The proposal relates to the installation of 2no. wind turbines 17.7 metre high (including blades).

Houghton Kepier School has submitted the proposal as part of its on going programme for sustainability and its commitment to the National Eco-Schools

programme. The school initially engaged the services of the Carbon Trust to carry out an audit and assessment of areas in which they could make energy savings. Whilst more comprehensive details of these findings are contained within the Design and Access Statement, the findings have estimated that the installation of the two wind turbines would save the school £3.958 per annum in costs, 12.7 tonnes per annum in carbon savings and 29.578 kWh per annum in energy savings.

The submission would involve the installation of two WT6000 wind turbines. The wind turbines would consist of 5.5 metre diameter rotor blades sited on 15 metre high towers providing an overall height from ground to blade tip of 17.7 metres.

The proposed wind turbines would be installed towards the south eastern curtilage of the school grounds adjacent to the boundary with the A690 and between the existing Multi Use Games Area (MUGA) and 27 metre high telecommunications lattice tower.

The Design and Access Statement which accompanies this application states that this particular area has been identified as the most appropriate location for the wind turbines due to wind speed data provided by the Carbon Trust. Additionally, the school has also indicated that the site sits some distance away from the nearest residential area.

In addition to the Design and Access Statement, the school has also supplied a detailed wildlife report and bat survey.

TYPE OF PUBLICITY:

Site Notice Posted
Neighbour Notifications

CONSULTEES:

Director Of Community And Cultural Services
Sport England

Final Date for Receipt of Representations: **29.05.2009**

REPRESENTATIONS:

Neighbours

To date 1 letter of representation has been received from No.44 Stanhope Close, which abuts the western curtilage of the school's grounds.

The concerns raised in the letter relate to -

- The wind turbines being in view of their house and being an eye sore.
- They will transmit added noise.
- They will de-value their house.
- The school has plenty of other land out of public view on which to erect the wind turbines.

It should be noted that whilst issues relating to impact upon street scene, residential amenity and noise are considered to be material considerations, property value is not, and as such cannot be considered in determining this application.

Consultees

Public Health -

No response received as of yet ahead of 29.05.09 expiry date

Sport England -

No response as of yet ahead of 25.05.09 expiry date

POLICIES:

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

B_2_Scale, massing layout and setting of new developments
CN_22_Developments affecting protected wildlife species and habitats
EN_2_Proposals for the production and distribution of energy
EN_5_Protecting sensitive areas from new noise/vibration generating developments
L_7_Protection of recreational and amenity land
R_1_Working towards environmentally sustainable development
R_4_Incorporation of energy saving measures

COMMENTS:

The main issues to consider in determining this proposal are:

1. Principle of the development.
2. Visual Impact
3. Noise Impact
4. Environmental Impact

1. Principle of the development

Nationally, the Government has set a target of the generation of 10% of the UK's electricity from renewable energy sources by 2010. To achieve this target a number of key principles have been produced to aid in dealing with proposals for renewable energy. Three of these key principles are contained within PPS22 (Renewable Energy) under paragraphs (iv) (vi) and (viii) as detailed below:

(iv) The wider environmental and economic benefits of all proposals for renewable energy projects, whatever their scale, are material considerations that should be given significant weight in determining whether proposals should be granted planning permission.

(v) Small scale projects can provide a limited but valuable contribution to overall outputs of renewable energy and to meeting energy needs both locally and nationally.

(viii) Development proposals should demonstrate any environmental, economic and social benefits as well as how any environmental and social impacts have been minimised through careful consideration of location, scale, design and other measures.

Additionally, paragraph 17 of PPS22 confirms that many types of renewable energy development are capable of being accommodated in urban as well as rural areas. The companion guide to PPS22 states that small and medium scale wind projects can be included within industrial developments and on some urban sites, particularly in cases where the power can be dedicated to on-site use. Wind developers are unlikely to promote projects of this nature, but in cases where the power can be dedicated to on-site use, economically attractive schemes are a strong possibility. Local planning authorities are therefore advised to take a proactive approach to encouraging this form of urban wind development.

In relation to the adopted UDP, the proposed development needs to be assessed against policies R1, R4, EN2, B2 and L7. Policy R1 states that the council will work toward environmentally sustainable development which meets the economic and social needs of the City, including: (i) Making the most efficient use of land, energy and other resources. Policy R4 has regard to development proposals which incorporate energy saving measures through the provision of energy saving technology.

The proposal supports efficient use of energy through the capture of wind power and attempts to ensure the delivery of energy saving technology capturing renewable energy resources, therefore complying with policies R1 and R4 of the UDP and providing a form of development, which in principle is considered to be acceptable.

In terms of land use, it is noted that the land in question falls within an area of the schools playing fields, with one of the proposed turbines covering what has been identified on the submitted site plan as a cricket practice net.

As such, the proposal is subject to policy L7 of the UDP which encourages the retention of playing fields for their designated purpose. Permission for other uses on such sites will only be granted if

- (i) Alternative provision, of an equivalent scale, quality and accessibility is made which assists the achievement of standards indicated in policies L4, L5 and L6: or
- (ii) The development is for educational purposes, and
- (iii) There would be no significant effect on the amenity, recreational and wildlife habitat value of the site.

It is noted that Houghton Kepier School grounds are expansive and appear to be able to accommodate the loss of this area of playing field in alternative locations, whilst the proposal does adhere with point (ii) in as much as the turbines would be erected for the purposes of educational development. As such the proposal is considered to comply with aims of policy L7 on this occasion.

However, in light of the potential loss of playing area consultation has taken place

with Sport England. The final date for response from Sport England is 26.05.2009, therefore consideration of their response will be provided through the preparation of a supplementary report.

2. Visual Impact

Policy B2 of the UDP states that 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; large scale schemes, creating their own individual character, should relate harmoniously to adjoining areas.

Policy EN2 states that all proposals for development necessary to the production and distribution of energy will be considered in the light of a rigorous appraisal of their likely impacts on the environment and on local communities, taking particular account factors such as visual intrusion, noise, public safety and comfort. Where satisfactory arrangements are not made in respect of these factors planning permission will normally be refused.

The wind turbines would consist of 5.5 metre diameter rotor blades sited on 15 metre high towers providing an overall height from ground to blade tip of 17.7 metres. The wind turbines would be installed on relatively level land towards the south eastern curtilage of the school grounds between 18 and 20 metres from the boundary with the adjacent A690 and between the existing Multi Use Games Area (MUGA) and 27 metre high lattice telecommunications tower.

Visually, the immediate area surrounding the proposed site is fairly populated with high rise structures. These structures include the lattice telecoms mast which has an overall height of 27 metres, the 8 floodlights serving the (MUGA) measuring approximately 15 metres high and the street lighting serving the slip road of the A690 which appears to sit in excess of 20 metres. Consultation is taking place with the street lighting contactors Aurora in order to ascertain the exact height of these structures. These exact heights will be presented in the supplementary report.

The nearest residential dwellings are located along the western boundary of the site, with Stanhope Close being the closest in proximity, some 145 metres away from the closest turbine.

It is acknowledged that one objection has been received from an occupant of this street (No.44) which relates in part to its detrimental impact when viewed from the property. However, as is noted above, the turbines would only be marginally higher than the existing flood lights and would sit significantly lower than the existing telecommunication apparatus on site. Given the relative abundance of such structures of similar or greater height, it is not considered that the addition of the two structures in this location would be unduly detrimental to the overall visual appearance of this section of the school grounds or the wider views into the grounds from surrounding areas and thereby would comply with policy B2 of the adopted UDP.

3. Noise Impact

PPS22 acknowledges that renewable technologies may generate small increases in noise levels (whether from machinery such as aerodynamic noise from wind

turbines, or from associated sources - for example, traffic). The responsibility lies with the Local Planning Authority to ensure that renewable energy developments have been located and designed in such a way to minimise increases in ambient noise levels.

Policy EN5 states that where development is likely to generate noise sufficient to increase significantly the existing ambient sound or vibration levels in residential or other noise sensitive areas, the council will require the applicant to carry out an assessment of the nature and extent of likely problems and to incorporate suitable mitigation measures in the design of the development. Where such measures are not practical, permission will normally be refused.

The potential noise implications of the proposed wind turbines in terms of residential amenity are considered to be low. The supporting information supplied with the application has stated that, unlike the larger scale industrial turbines, these forms of wind turbines are produced without a gear box and that the only audible noise would be the “swooshing” of the blades cutting through the air. Whilst the “swooshing” generated from the rotor blades would not be a silent process, it is acknowledged that the turbines are to be located within close proximity to the adjacent A690 which is a main transport route into the city and over 145 metres from the nearest residential dwellings.

It is therefore considered that background noises within the immediate area would continue to be that associated with the vehicular traffic.

However, further consideration is currently been given to the proposals by Public Health and the findings will be reported within the supplementary report.

4. Environmental Impact

Prior to the submission, Houghton Kepier School employed the services of an Ecological service in order to assess the implications the wind turbines would have on the wildlife within the area. The findings of the reports have been submitted with the application in the form of a Bat Risk Assessment and a Bird Risk Assessment.

The Bat Risk assessment is a relatively comprehensive report which concluded that the proposed turbines would have no anticipated impact on the local bat population. The report did find one potentially significant flight line within 50m of the proposed turbines position. The flight line in question lies to the east of the site over the existing tall unmanaged hawthorn hedge/road verge and scrub, but due to the presence of the A690 this feature is deemed to have a potentially reduced value.

No physical signs of bats were seen during the building assessment and the report concludes that the school buildings are low risk in terms of their potential for roosting or feeding.

The Bird Risk assessment concluded that the proposed siting of the wind turbines has limited potential for bird activity. As with the bat findings, the hawthorn hedge provides the most suitable habitat for breeding birds. However, the report suggests that the value of the hedge line as a wildlife corridor is limited by its isolation from other suitable breeding habitat. This is reported as being evident to the north where the hedge row is cut off from similar habitat by the

roundabout at the junction of the A690/A1052 and the A182 and to the south by the adjacent A690 which appears as a major barrier to bird movement.

In light of the above findings it is concluded that the proposal would not have an adverse impact on the local bat or bird population in this instance. However, this issue is still being assessed and as such, any additional issues or concerns will be reported on the Supplement Report.

On certain occasions wind turbines have been known provide a degree of disturbance to television signals by way of a TV flicker. However, these disturbances are generally associated with the installation of large scale industrial turbines and not to smaller scale developments such as this. As such, it is not considered that the proposal would have any impact on telecommunication signals within the immediate vicinity.

Conclusion

The acceptability of the proposals with regard to potential noise generation and environmental issues are currently being given further consideration, whilst comments are also awaited from Sport England. It is anticipated that responses on the outstanding issues will be received in time to enable a recommendation to be made in a Supplement Report.

RECOMMENDATION: Director of Development and Regeneration to Report