

DEVELOPMENT CONTROL (HETTON, HOUGHTON AND WASHINGTON) SUB-COMMITTEE

AGENDA

Meeting to be held in the Committee Room 2 on Wednesday, 3rd September, 2014 at 4.45 p.m.

| ITEM | | PAGE |
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| 1. | Receipt of Declarations of Interest (if any) | |
| 2. | Apologies for Absence | |
| 3. | Applications made under the Town and Country Planning Acts and Regulations made thereunder Report of the Deputy Chief Executive (copy herewith) | 1 |
| 4. | Town and Country Planning Act 1990 – Appeals Report of the Deputy Chief Executive (copy herewith) | 62 |

E. WAUGH,
Head of Law & Governance.

Civic Centre,
SUNDERLAND.

26th August, 2014

Development Control (Hetton Houghton & Washington) Sub-Committee

3rd September 2014

REPORT ON APPLICATIONS

REPORT BY DEPUTY CHIEF EXECUTIVE

PURPOSE OF REPORT

This report includes recommendations on all applications other than those that are delegated to The Deputy Chief Executive for determination. Further relevant information on some of these applications may be received and in these circumstances either a supplementary report will be circulated a few days before the meeting or if appropriate a report will be circulated at the meeting.

LIST OF APPLICATIONS

Applications for the following sites are included in this report.

1. Hetton Day Centre Bog Row Hetton-le-Hole Houghton-le-Spring DH5 9JN
2. Land To Rear Of Springwell Village Club/Fence To Side Garden Of 6 Westfield Crescent Springwell Road Springwell Gateshead NE9 7SP
3. Roundel Manufacturing Limited 5- 8 Sedling Road Wear Washington NE38 9BZ
4. Penshaw Hill, Chester Road, Shiney Row, Houghton le Spring
5. Houghton Snooker and Social Cllub, Hillside Way, Newbottle Street, Houghton le Spring

COMMITTEE ROLE

The Sub Committee has full delegated powers to determine applications on this list. Members of the Council who have queries or observations on any application should, in advance of the above date, contact the Sub Committee Chairman or email Development Management dc@sunderland.gov.uk

DEVELOPMENT PLAN

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

Unitary Development Plan - current status

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

STANDARD CONDITIONS

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

SITE PLANS

The site plans included in each report are illustrative only.

PUBLICITY/CONSULTATIONS

The reports identify if site notices, press notices and/or neighbour notification have been undertaken. In all cases the consultations and publicity have been carried out in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2010

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 Office of the Chief Executive in the Civic Centre or via the internet at www.sunderland.gov.uk/online-applications/

Janet Johnson
Deputy Chief Executive

Reference No.: 13/01290/FUL Full Application

Proposal: **Change of use from day centre to 'aparthotel' with 7 no. units, to include various external alterations and widening of existing access (amended description - amended plans showing new internal layout and removal of extensions received 01/08/2014).**

Location: Hetton Day Centre Bog Row Hetton-le-Hole Houghton-le-Spring DH5 9JN

Ward: Hetton

Applicant: Mr Alan James Le Blond

Date Valid: 11 June 2013

Target Date: 6 August 2013

PROPOSAL:

Planning permission is sought for a change of use from a day centre to an aparthotel with 7 no. units, to include various external alterations and widening of existing access at Hetton Day Centre, Bog Row, Hetton-le-Hole, DH5 9JN.

The proposed change of use and associated development affects a detached, single-storey building, originally built as a school, but which has more recently been in use as a day centre operated by the City Council. It appears to have been vacant for approximately two years. The building occupies a prominent site close to the junction of Bog Row and North Road to the south-west of Hetton-le-Hole town centre. It fronts a dead-end section of old road, which has been disused since the Bog Row/North Road junction was redesigned and is used informally for public parking.

The area surrounding the building is mixed-use in character; on the opposite side of Bog Row are dwellinghouses, whilst to immediately to the south-west, on the far side of a footpath flanking the building's south-west boundary, is a sandwich shop and recently restored blacksmith's shop. A large public house, meanwhile, stands on the south-west side of North Road, directly opposite the junction with Bog Row. To the rear of the building is an area of planted open space, beyond which is the watercourse of Hetton Burn.

As noted previously, the building is a former school and was built for purpose during the Victorian period - a datestone of 1894 can be seen in the front elevation. The building is typical of Victorian schools, constructed from brick with a steeply-pitched slate roof and characterised by a tall gable projecting forward of its main front elevation. A number of interesting design features are evident, including stone quoins to corners, stone cills and lintels to windows and brick detailing above the arched windows in the projecting gable. At the north-eastern end of the main building is a subservient offshoot, which likely provided the school with an entrance porch and reception area.

The front elevation stands behind a low boundary wall topped with wrought-iron railings, which is replaced by a brick wall beyond the north-eastern end of the building. Within the wall is a double-width gate, which provides access from the building's curtilage onto Bog Row. The eastern side and rear of the building are flanked by what would have been the school's yard.

The application initially proposed to change the use of the building to a hotel, with the original plans showing a layout providing 17 no. relatively small en-suite bedrooms in the main building with a reception room, dining room, entrance hall and offices in the offshoot to the eastern side.

A number of amendments to the original proposal have been submitted, primarily at the applicant's behest. It was, for example, proposed to utilise the roof space of the building to create 'split-level' rooms, but this idea has been abandoned. In addition, the application originally proposed to add small extensions to the front and rear elevations of the building, but these have now been removed from the plans.

The current plans instead propose to subdivide the building into an 'aparthotel' featuring 7 no. units. An aparthotel is a serviced apartment complex which uses a hotel-style booking system. Individual apartments are let without fixed contracts and occupants can 'check out' whenever they wish, so that stays can vary in length from a few days to months or even years.

All units will be contained within the ground floor and each will be afforded one or two small bedrooms, a living area, to include kitchen facilities, and a bathroom and units will be able to be accessed independently via new doors inserted in place of existing window openings.

It is considered that the use of the building as an 'aparthotel' falls within use class C1 of the Town and Country Planning (Use Classes) Order 1987 (as amended), as does the originally proposed use of the building as a hotel.

There are no extensions proposed to the building, the only external alterations now being the aforementioned doors and the provision of a disabled access ramp to the side.

As noted earlier, to the rear of the building is the watercourse of Hetton Burn, much of the corridor of which is identified as a Flood Risk Zone. A substantial portion of the northern and eastern section of the building's curtilage lies within Flood Zones 2 and 3, defined by the Environment Agency's Flood Map as having a high probability of flooding.

Given the proximity of the building to the watercourse and other areas of well-treed open space and parkland, it may provide a potential roosting site for protected species, particularly bats. As such, the application has been accompanied by a Bat Risk Assessment, produced by Durham Wildlife Services.

TYPE OF PUBLICITY:

Site Notice Posted
Neighbour Notifications

CONSULTEES:

Environmental Health
Environment Agency
Durham Bat Group
Network Management
County Archaeologist
Hetton Town Council
Northumbrian Water
Hetton - Ward Councillor Consultation

Final Date for Receipt of Representations: **21.08.2014**

REPRESENTATIONS:

CONSULTATION RESPONSES

Northumbrian Water - no comment to make.

Tyne and Wear County Archaeologist - has advised that the building is of some historic interest, being a Victorian school, and it is recommended that the building is archaeologically recorded prior to the commencement of works. It is suggested that this matter could be dealt with by condition in the event planning permission is granted.

Environment Agency (EA) - initially objected to the proposal on the basis that the application site lies partly within Flood Zones 2 and 3 and has not been accompanied by a satisfactory Flood Risk Assessment.

The initial objection has, however, formally been withdrawn and there are now no objections to the development from the EA. This change of position followed the submission of additional information by the applicant, including confirmation of floor levels, and a visit to the site by an EA officer, where it was noted that there is a large area for the storage of floodwater in front of the entrance to the building. It is also recognised that there will be no increase in the footprint and roof area of the building, ensuring surface water discharge levels remain the same and the existing drainage system will be utilised.

It is recommended that a flood emergency evacuation plan is agreed between the applicant and the City Council to ensure all residents can vacate the premises prior to flooding commencing. To this end, the applicant has advised that the manager of the facility would be charged with the responsibility of evacuating the building if necessary and has identified a flood exit route from the building.

Hetton Town Council - has reported a formal objection to the development, citing concerns in relation to traffic access/egress to and from the site, particularly given its position on a bend in the road. It is suggested that the road is busy and frequently crossed by school pupils. It was also noted that Northumbrian Water has an inspection interceptor tank within the site.

PUBLIC CONSULTATION

A total of 52 no. representations have been received from members of the public, with consultation carried out following the receipt of each set of amended drawings. Representations have primarily been received from addresses within close proximity of the application premises, but also from other addresses within Hetton-le-Hole and further afield in Sunderland (2 no. representations) and Hawthorn, County Durham (1 no. representation). 6 no. representations have been forwarded to the planning office by Bridget Phillipson M.P. All but one of the representations express objection to the proposal.

The main issues raised by the objectors to the proposal are, in summary:

- the plans submitted with the application suggest 'hostel' accommodation is proposed, rather than a hotel;
- the proposal is for a 'hostel' disguised as a budget hotel;
- the applicant will be able to convert the building into a hostel if a hotel use is authorised;
- a hotel would not have shared toilets/bathrooms and one common area;
- Hetton has become a pleasant place to live - the proposal will 'drag it back';
- site is in close proximity to two schools and if the building is occupied by people with 'social/other issues', it would be wholly inappropriate;
- the proposed use will generate noise from the coming and going of customers, entertainment and deliveries;
- the access into the site is dangerous, even if it is widened;
- traffic levels are already high and the proposed use will exacerbate this problem;
- there are parking problems in the area which the proposal will worsen;
- the use of the building will impact upon privacy;
- the building would be a prime location for kids to congregate;
- the use will possibly lead to 'unruly' behaviour;
- a 'hostel' use will affect property prices in the area;
- a better use of the building could be found;
- physical alterations to the building may harm its appearance;
- concerns over the type of 'clientele' who may use the facility;
- there are known problems with sewage capacity in the Hetton area and the development should not be allowed until this is addressed;
- there is nowhere to store waste properly and this could attract vermin

The letter supporting the application states that the proposal is a 'fantastic' idea when the present building is being allowed to stand empty and be vandalised. The letter continues by suggesting Hetton Town Council and Sunderland City Council should support such ventures, especially when use is being made of old buildings, and should not object to proposals which involve individuals investing finance into Hetton-le-Hole. The letter also advises that a brochure sent to residents in the area (not, it should be stressed, produced by the City Council or Hetton Town Council) only sets out details of how to object to the proposal, rather than looking at the application neutrally.

It should be noted at this stage that concerns relating to property values are of private interest and not material to the determination of a planning application.

Other matters raised by objectors which are material to the decision-making process and considered in the next section of this report.

The date for the receipt of representations from the public does not expire until 21st August 2014. In addition, further comment is awaited from Hetton Town Council in respect of the latest alterations to the scheme. Any further comments received will be reported in a Supplement to this main report.

POLICIES:

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

EN_12_Conflicts between new development and flood risk / water resources

B_2_Scale, massing layout and setting of new developments

CF_2_Consideration of alternative community uses when existing sites become surplus

S_5_Criteria for evaluating new retail and other key town centre developments

CN_17_Tree Preservation Orders and replacement of trees

EN_10_Proposals for unallocated sites to be compatible with the neighbourhood

CN_22_Developments affecting protected wildlife species and habitats

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

T_22_Parking standards in new developments

COMMENTS:

ISSUES TO CONSIDER

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

Particularly relevant in this case are the principles that the planning system and development proposals should:

- seek to proactively drive and support sustainable economic development,
- encourage the effective re-use of land and buildings,
- always seek to secure a high quality design and a good standard of amenity,
- take account of the different roles and character of different areas,
- conserve and manage heritage assets in a manner appropriate to their significance, and
- contribute to conserving and enhancing the natural environment,
- take full account of flood risk and climate change.

These core principles of the NPPF feed into policies EN10, EN12, B2, CF2, S5, CN17, CN22, T14 and T22 of the Council's adopted Unitary Development Plan (1998), which are relevant to the consideration of this application.

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

1. clarification of proposed use of the building
2. the principle of the proposed development;
3. the impact of the proposed development on visual amenity and heritage significance;
4. the impact of the proposed development on residential amenity;
5. the highway and pedestrian safety and parking implications of the proposal;
6. the flood risk implications of the proposal;
7. the ecological implications of the proposal;

1. Clarification of proposed use of the building

A high proportion of the objections to the application have suggested that the building will be used as a 'hostel' rather than providing hotel accommodation; with the floorplans submitted with the application alleged to show a layout which is typical of a hostel (i.e. individual bedrooms and some shared facilities). This layout has been changed to show the aforementioned individual 'aparthotel' units, but a number of objectors continue to question the proposed use.

The applicant has applied for a use falling within class C1 (hotels) of the Town and Country Planning (Use Classes) Order 1987 (as amended), and, as noted earlier, the 'aparthotel' use now proposed is considered to remain within this use class. A 'hostel', meanwhile, is a sui generis use (i.e. a use which does not sit specifically within any of the classes of the Order) - planning permission is required for any material change of use to or from a sui generis use.

The applicant has sought a C1 use of the building and the floorplans submitted with the application appear to illustrate a typical 'aparthotel' layout. Indeed, the previous floorplans, with individual bedrooms and some shared facilities (e.g. a reception room and dining room) were typical of a standard hotel. Consequently, there does not appear to be any firm ground on which to base the purported intention to use the building as a hostel and it would not be reasonable to attempt to withhold planning permission based on such a suspicion. If Members were so minded, planning permission would be granted on the basis of a C1 use and any use of the building as hostel would require planning permission, provided such a use is materially different to the authorised C1 use.

The consideration of the application as set out below is based on the proposed C1 use and it is the implications of this use of the building which are assessed in detail.

2. Principle of development

The development site is not allocated for a specific land use on the proposals map of the adopted UDP and as such, policy EN10 therein is applicable. This advises that where there is no specific land use allocation, the existing pattern of land use is intended to remain; new development proposals must respect the prevailing land uses in the neighbourhood.

The surroundings of the application site are predominantly residential in nature, with the dwellings of The Crescent directly opposite and other residential properties in close proximity. There are, however, some non-residential and commercial uses in evidence, including an adjacent sandwich shop, a blacksmith's and the Fox and Hounds public house on the opposite side of the junction between The Quay and North Road. It must also be recognised that the subject building has historically been used for non-residential purposes, primarily as a school and a day centre. Given its context and historical use(s), it is considered that the proposed change of use of the building is broadly acceptable in land use terms, in compliance with policy EN10's requirements.

Regard must also be given, however, to policy CF2 of the UDP, which states that where buildings in a 'community use' become surplus to requirements, priority will be given to alternative public/community uses. This echoes the advice of paragraph 70 of the NPPF, which states that the planning system should guard against the unnecessary loss of valued community facilities and services.

As noted above, the building has historically been a school and day centre owned and operated by the City Council, but was found to be surplus to requirements and has been vacant for approaching 3 years. The building is also now in private hands and has been for at least 18 months. Given this period of vacancy and current ownership status, it is considered that finding an alternative public or community use is unlikely and that it is reasonable to consider the merits of an alternative use.

In addition to the above, regard must be had to section 2 of the NPPF, which seeks to promote and ensure the vitality of existing town and local centres. In this regard, the proposed use of the building constitutes a 'main town centre' use and paragraph 24 of the NPPF requires Local Planning Authorities to take a sequential approach to such uses by, firstly, directing them to town centres and then, secondly, edge-of-centre locations (defined by the NPPF glossary as sites within 300 metres of a town centre boundary). Preference should be given to edge-of-centre sites which are well connected to the town centre. Local Planning Authorities are advised, however, to demonstrate a degree of flexibility in applying this approach. The requirements of section 2 of the NPPF are essentially echoed by policy S5 of the UDP.

In this case, the application premises is situated approximately 230 metres from the edge of Hetton town centre (as identified on the proposals map of the UDP) and is easily reached on foot along The Quay from the town centre and its bus station. In addition, the proposal is relatively small-scale, affecting a building with a floorspace of only 840 sq. metres and it is considered that its use as a hotel is unlikely to have any significant detrimental impact on the vitality and viability of Hetton town centre (indeed, paragraph 26 of the NPPF suggests that an impact assessment is only required where the development involves floorspace of at least 2500 sq. metres).

Given its proximity to Hetton town centre and its connectivity to the town centre, and the relatively minor nature of the development (especially given the floorspace threshold suggested by the NPPF) it is considered that the proposed use of the building is appropriate at this edge-of-centre location and is unlikely to result in any harm to the vitality of Hetton town centre, in accordance with policy S5 of the UDP and section 2 of the NPPF.

The principle of the proposed change of use of the building is, for the reasons set out above, considered to be acceptable at this location, with regard to its surroundings and its relationship with Hetton town centre.

Notwithstanding this view, an assessment of the impact of the proposed use on the amenity of nearby residential dwellings and highway and pedestrian safety is necessary in order fully consider the merits of the proposal. Such an assessment is provided later in this report.

3. Impact of development on visual amenity and heritage significance

In alignment with the core principles of the NPPF, policy B2 of the UDP requires new development proposals to respect and enhance visual amenity. The subject building is also considered to be of some heritage interest, being a purpose-built Victorian school, although it is not afforded any formal heritage designation - it is not Listed or located within a Conservation Area. Nevertheless, paragraph 135 of the NPPF requires Local Planning Authorities to consider the effect of a proposal on the significance of a non-designated heritage asset, having regard to the scale of any harm or loss and the significance of the asset.

The only physical alterations to the premises proposed in association with this application are the installation of the disabled access ramp and the insertion of doors in place of some of the existing window openings. A number of these doors will be to the rear of the building and so predominantly screened from public view. The alterations to the building are therefore minimal and, subject to agreement of materials and finishes, considered to be generally respectful to its character, appearance and heritage interest and significance.

Within such a context, it is considered that the physical alterations to the building will not be harmful to the visual amenity of the locality, or the character, appearance and heritage significance of the property, in accordance with the requirements of policy B2 of the UDP and the core principles and paragraph 135 of the NPPF.

4. Impact of proposal on residential amenity

Policy B2 of the UDP also requires new development proposals to respect the amenity of existing residential properties.

The physical alterations to the building are not considered to raise any concerns in respect of the living conditions of nearby residential dwellings and so this report will focus on the impact of the proposed use of the building on residential amenity. In this regard, a number of objectors to the proposal have suggested that the use will generate unacceptable levels of noise and disturbance, caused by the comings and goings of customers, their vehicles and deliveries and any entertainment provided at the building.

It must be recognised, however, that the subject building is detached and thus fairly well separated from nearby residential properties. For example, the dwellings of The Crescent, which face the building from across The Quay, stand approximately 25 metres away, and whilst there are residential properties in

closer proximity to the west, these are separated from the building by the side lane.

In addition, and notwithstanding the location of the nearest dwellings, it is considered that the proposed use of the building as an aparthotel is not inherently noisy, especially given that the level of use is not especially intensive, with only seven units proposed. Furthermore, whilst there will be comings and goings from the building, including deliveries, these are likely to be relatively infrequent and, it must be recognised, will occur in what is a relatively busy and mixed-use area of Hetton.

Meanwhile, the proposed internal layout of the building does not appear to provide for any organised entertainment - there is no function room or lounge, for example.

Given the above, it is considered that the impact of the proposed development on the amenity of nearby residential properties is acceptable, in accordance with the requirements of policy B2 of the UDP and the core principles of the NPPF.

5. Highway and pedestrian safety

Policy T14 of the UDP states that new development proposals must not give rise to conditions which are prejudicial to highway and pedestrian safety, whilst policy T22 requires new development to be afforded an appropriate level of car parking.

The implications of the proposals in this regard have been considered by the Council's Network Management team and no objections to the development have been raised. It is advised that the level of parking afforded at the property is acceptable, whilst no objection is offered in respect of the proposed access arrangements given that the improvements will allow for two-way traffic flow. It is noted, however, that an agreement under section 278 of the Highways Act will be required in respect of the access improvements.

It is acknowledged that a number of objectors, and Hetton Town Council, have expressed concern in relation to traffic generation, parking and the access/egress arrangements at the site. It is considered, however, that the low intensity of the proposed use of the building will mean that the development will not generate high levels of additional traffic or result in any significant additional on-street parking and nor will it pose a significant risk to highway and pedestrian safety.

Given the advice of the Network Management team, it is considered that the highway/pedestrian safety and parking implications of the proposed development are acceptable, in compliance with the requirements of policies T14 and T22 of the UDP.

6. Flood risk implications of proposed development

In relation to flooding, paragraph 100 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. Policy EN12 of the UDP seeks to ensure that proposals would not be likely to impede materially

the flow of flood water, or increase the risk of flooding elsewhere, or increase the number of people or properties at risk from flooding (including coastal flooding). A number of objectors to the proposal have cited concerns in respect of drainage and flooding.

As set out in the 'Representations' section of this report, the Environment Agency initially objected to the planning application on the basis that the application site lies partly within Flood Zones 2 and 3 and has not been accompanied by a satisfactory Flood Risk Assessment. The objection was, however, formally withdrawn following the submission of additional information by the applicant. It is recommended, however, that a flood emergency evacuation plan is agreed between the applicant and the City Council - it is suggested, in the event Members are minded to approve the application, that this requirement could be imposed via an appropriately worded condition.

In addition, it should also be recognised that Northumbrian Water offered no comments or observations in respect of the drainage and sewerage arrangements at the site.

Given the above, it is considered that the proposed use of the building is compatible with this location in terms of flood risk and that the change of use will not materially increase the risk of flooding elsewhere. Nor does the proposed change of use of the building raise any specific drainage concerns. As such, the proposal is considered to be compliant with the requirements of policy EN12 of the UDP and the core principles and relevant paragraphs of the NPPF in this regard.

7. Ecological implications of proposed development

Section 11 of the NPPF sets out a general strategy for the conservation and enhancement of the natural environment, and it advises that the planning system should recognise the wider benefits of ecosystem services and minimise impacts on biodiversity and provide net gains in biodiversity where possible. Policy CN22 states that development proposals which would adversely affect any animal or plant species afforded special protection by law, or its habitat, will not be permitted unless mitigating action is achievable.

The application was originally accompanied by a bat risk assessment (prepared by Durham Wildlife Services) which, in relation to the initially proposed scheme, concluded that the proposal would pose a negligible risk to bats and no further survey work is recommended. However, the proposal was changed to utilise the roof space of the building, whilst the design of the originally-proposed flat-roofed extension to the front elevation of the property was also amended to continue the existing gable end. The Council's Natural Heritage officer advised that the ecological survey should be updated to reflect these changes.

A second bat risk assessment survey was subsequently carried out and submitted in order to take account of the changes to the scheme. This second survey advised that due to the proposal now involving breaking into the roof space, the scheme poses a low risk to bats and as such, one nocturnal survey should be carried out during the bat activity season (i.e. May to September).

The proposed scheme has, however, been amended again and no longer involves utilising the roof space or erecting the extensions.

The implications of the revisions to the scheme in relation to ecology are still being considered by the Council's Natural Heritage team and advice in this regard is awaited. It is anticipated that the required advice will be received prior to the meeting and details of the response will be provided to Members on a Supplement to this report ahead of the Committee.

CONCLUSION

For the reasons set out above, it is considered that the proposed use of the building as an aparthotel falling within use class C1 of the Town and Country Planning (Use Classes) Order 1987 is acceptable in principle. In addition, the proposed change of use and associated development is not considered to raise any significant concerns in respect of visual and residential amenity, highway and pedestrian safety and flood risk.

However, the public consultation exercise carried out in respect of the application has not yet expired, whilst the implications of the proposed development in respect of ecology and protected species are still being considered.

It is anticipated that full consideration of this matter will be completed shortly and will be reported on a Supplementary Report, together with details of any additional consultation responses received from members of the public. The Supplementary report will also provide a recommended decision and details of suggested conditions.

RECOMMENDATION: Deputy Chief Executive to Report

Reference No.: 13/02265/OUT Outline Application

Proposal: **Erection of a dwellinghouse on land to rear of Springwell Village Club and alterations to fence of 6 Westfield Crescent.**

Location: Land To Rear Of Springwell Village Club/Fence To Side Garden Of 6 Westfield Crescent Springwell Road Springwell Gateshead NE9 7SP

Ward: Washington West

Applicant: Mr Robert Murphy

Date Valid: 16 July 2013

Target Date: 10 September 2013

PROPOSAL:

Outline planning permission is sought for the erection of a dwellinghouse on land to the rear of Springwell Village Club, off Springwell Road, Springwell Village. Matters relating to access and layout have been submitted as part of this application for approval with appearance, scale and landscaping reserved for subsequent approval at a later date.

The proposed development affects a roughly rectangular, overgrown plot of land with an area of approximately 320 sq. metres located to the rear of Springwell Village Club. The plot is bordered by another heavily vegetated plot to the east, the end of the Club car park and a plot of land to the rear of 1 Westfield Crescent to the west and the grounds of Springwell Methodist Church and the garden of 4 Stafford Villas to the south. The Club car park and church grounds occupy higher land and the boundary is accordingly defined by a retaining wall, whilst a group of trees protected by Tree Preservation Order 26 stand at the end of the plot to the rear of 1 Westfield Crescent.

To the north is an unmade track leading to the nearby dwellings of Blackberry Cottages further east, which is wide enough at this point to provide an informal parking area for a number of residential properties in the vicinity. On the far side of this track is an attractive area of grassed landscaping with mature trees, beyond which are the residential dwellings of Daisy Hill Cottage and The Bungalow.

This outline application proposes the erection of one dwellinghouse on the land, with all matters excepting access arrangements and layout reserved for approval at the reserved matters stage. The site plan submitted with the application proposes a dwelling with a footprint measuring approximately 8.4 metres x 8.6 metres, with the east elevation standing parallel to the boundary with the Club car park at a distance of 1.8 metres. The Design and Access Statement submitted with the application states that the new dwelling would have a height of no more than 5.5 metres to eaves level and 7 metres to ridge line and would be finished in white painted render (it should be noted at this point that this information is purely indicative as the appearance and scale of the new dwelling are reserved matters

and will consequently require approval through the submission of a formal reserved matters application).

The dwelling would be afforded a detached double garage (footprint of 5.7 metres x 6.1 metres), which is intended to stand in the south-east corner of the plot and would be accessed via a short driveway/hardstanding leading from the track to the north of the plot. The remainder of the site would be used as garden space.

The plot would be accessed via the aforementioned track, which leaves Springwell Road between 1 Hunters Terrace and 6 Westfield Crescent and runs gently downhill for approximately 90 metres before reaching the parking area. The track is narrow and in a generally poor state of repair, being unmade for much of its length, and does not benefit from a footway, whilst the exit onto Springwell Road has poor visibility in both directions. A total of seven dwellings (1-5 Blackberry Cottages, Daisy Hill Cottage and The Bungalow) appear to use this track for access. A second possible exit onto Springwell Road, by using the lane to the rear of Westfield Crescent (which joins the main track at the rear of no. 6) has also been suggested on the site plan accompanying the application.

The applicant submitted an outline planning application for a dwelling on this site (application ref. 11/01818/OUT) in August 2011, but this was refused planning permission in October 2011 under the City Council's delegation scheme. The reason for refusing planning permission was as follows:

1. The proposed development will lead to an increase in the use of a track which is poorly surfaced, is not wide enough for two vehicles to pass each other, has no footway and has a poor visibility splay at its junction with the nearest main road (Springwell Road). The increase in the use of this track is therefore considered likely to result in conditions which are prejudicial to highway and pedestrian safety, in conflict with the requirements of policy T14 of the UDP.

The applicant subsequently elected to appeal against the refusal of planning permission to the Planning Inspectorate. The appeal was dismissed (appeal ref. APP/J4525/A/11/2167530), but the Planning Inspector's only cause for concern was the poor southwards visibility at the junction between the access track and Springwell Road. The Inspector considered that the increase in the use of this junction as a result of another dwelling taking access from the track would result in highway and pedestrian safety being jeopardised.

The Planning Inspector did not consider that additional use of the access track itself would result in highway and pedestrian safety problems and nor was there any objection to the principle of the using the site in question for residential development, the impact of the development on the amenity of the area or the impact of the development on the nearby protected trees.

A second application was submitted after the receipt of the appeal decision (application ref. 12/03338/OUT), but this was invalidated and returned following the identification of an error with the land ownership notice served by the applicant.

In an attempt to overcome the Planning Inspector's concerns regarding visibility at the junction with Springwell Road, the current application also includes a proposal to reduce the height of the fence to the side garden of 6 Westfield

Crescent which flanks the south side of the end of the access track. The fence currently has a height of 1 metre - 1.2 metres (due to a slight slope in the land) and it is proposed to reduce the height to a constant 600mm for a distance of 1.85 metres back from the edge of the kerb of Springwell Road. The fence and garden of 6 Westfield Crescent are not, however, in the control or ownership of the applicant.

An application of this nature would normally be dealt with under the Council's delegation scheme, but it has been referred to the Houghton, Hetton and Washington Development Control Sub-Committee at the request of ward Councillors Henry Trueman and Bernard Scaplehorn.

TYPE OF PUBLICITY:

Site Notice Posted
Neighbour Notifications

CONSULTEES:

Washington West - Ward Councillor Consultation
Network Management
Northumbrian Water
Environment Agency
Environmental Health
County Archaeologist

Final Date for Receipt of Representations: **23.08.2013**

REPRESENTATIONS:

CONSULTATION RESPONSES

Northumbrian Water

Northumbrian Water has advised that a public sewer crosses the application site and may be affected by the proposed development. Contact will be made with the applicant/developer to discuss any necessary diversions, relocation or protection measures required in respect of its apparatus.

County Archaeologist

The Tyne and Wear County Archaeologist has noted that the development site lies within the extent of Usworth Common, medieval common land which was subdivided into fields by the 19th century. The common has long been built over, meaning archaeological remains are unlikely to survive and as such, no archaeological work is justified.

PUBLIC REPRESENTATIONS

Letters of objection have been received from:

- the secretary of Springwell Methodist Church (two letters received);
- the secretary of Springwell Social Club;
- 1 Blackberry Cottages (four letters received, together with a series of photographs illustrating alleged encroachment, large vehicles being 'stuck' on the access track and existing levels of parking and a copy of a Land

Registry title which is perceived to demonstrate the applicant has no right of access to the development site and that there are restrictive covenants and charges on the land),

- 1 South View (three letters received);
- Jubilee Cottage.

The above list includes representations which, at the request of the objectors, have been carried over from the previous two applications (i.e. app. refs. 11/01818/OUT and 12/03338/OUT).

The main issues raised by the objectors are as follows:

from Springwell Methodist Church

- the erection of a dwelling may undermine the stability of the retaining wall between the church and the development site;
- there may be difficulty in securing maintenance and repair of the wall;
- occupiers of the new dwelling may resent the presence of the wall and subsequent measures to screen or soften it (e.g. planting) could undermine its stability;
- the access out onto Springwell Road is not particularly safe;

from Springwell Social Club

- the new build will be too close to the Club's premises, which generates some noise from, for example, traffic, deliveries and customers coming and going;
- the Club's security lights may also be a nuisance to an occupier of the proposed dwelling;
- the access road is incapable of accommodating more traffic;
- the entry/exit onto Springwell Road is dangerous

from 1 Blackberry Cottages

- part of the development site does not belong to the applicant and they have no access rights to it;
- the applicant/land owner has encroached upon land which is an easement granted by Deed and is a private right of way;
- requests that the easement is restored and the encroachment is rectified;
- there are already parking problems at the site, including the blocking of accesses resulting calls to the police;
- the development would result in further obstructions to accesses to Blackberry Cottages and infringe on the rights of occupiers;
- queries whether there is enough land to build the dwelling without encroaching onto additional land and whether it could be built so close to the club and church walls;
- trees belonging to properties in Westfield Crescent will be cut down to make way for the development;
- the new house will not be in-keeping with the area;
- allowing the development would result in a breach of the Land and Property Act 1925 and section 62, part 1 and 2 etc. of the Human Rights Act;

- the application site requires room for at least two cars and this cannot be accommodated;
- there are restrictive covenants on the land;

from 1 South View

- there are bats in the area and roosting sites should be established;
- the development would put trees in the area at risk;
- there are flooding issues in the area which could worsen if the site is developed;
- the visibility at the junction onto Springwell Road is inadequate and the measure proposed by the applicant to lower the height of the fence cannot be controlled into the future;
- the additional use of the access track will present a danger to child and pedestrian safety;
- the boundaries of the application site may not be in the correct place and should be checked by the Council;
- the Council may be influenced to approve the development to take advantage of the Government's 'New Homes Bonus';
- there is no need for new housing in Springwell village;
- other planning applications involving access onto the B1288 Springwell Road (none specified) have been refused;
- as above, queries the returning of the previous application and whether this is an 'underhand tactic'

from Ann Barber

- the letter raises a series of concerns regarding the applicant's ownership and access rights over the development site;
- concern over existing parking problems in the vicinity of the application site, to which the development will contribute;
- the access track and junction to Springwell Road is dangerous;

The objections received raise a wide range of concerns, which are of varying relevance to the determination of this planning application. In particular, it must be recognised that in general, concerns pertaining to land ownership, encroachment, private rights and indiscriminate/obstructive parking are private matters or interests and should not be material to a planning decision. Nevertheless, some of the concerns raised by objectors are examined in a little more detail below.

Retaining wall to the church

With regard to the concerns surrounding the integrity of the retaining wall to Springwell Methodist Church, officers from the City Council's Building Control section have advised that the presence of the wall is a matter which would be taken into account during the Building Regulations process. Any developer of the site would be expected to engage a structural engineer to survey the condition of the wall and the means of its construction and foundations, with this information garnered then used to inform the construction methodology of the new dwelling. Ultimately, however, the safe and considerate development of the site rests with the applicant/developer.

In addition, arrangements for the continued maintenance of the retaining wall is a private matter to be agreed between the two interested parties, i.e. the Church and any future occupier of the dwelling. Indeed, there is no difference to the existing situation, for even now the undertaking of any maintenance of the wall is a private matter to be resolved between the Church and the current owners of the application site. Maintenance arrangements of the retaining wall is not an issue in which the City Council has role to play, either in guiding or resolving, and should not influence the determination of this planning application.

Infringement of human rights

The objector from 1 Blackberry Cottages suggested that granting planning permission for the proposed development would infringe rights enshrined in the Land and Property Act 1925 (sic; title of legislation is Law of Property Act) and the Human Rights Act in relation to the peaceful occupation of a dwelling.

The Law of Property Act 1925 specifically relates to conveyancing and the law of property in England and Wales; it is not planning law or legislation and consequently it is not the role of the planning system to ensure that the requirements of the Act are obeyed or enforced.

The applicant's reference to the Human Rights Act is in relation to the right to the peaceful occupation of a dwelling and it is implied that allowing the proposed development would violate this right. However, no further explanation is provided as to exactly how the peaceful occupation of 1 Blackberry Cottages would be infringed upon by the proposed development. It is not disputed that the occupier of 1 Blackberry Cottages does indeed hold the right to the peaceful occupation of the property and in this regard, the impact the proposed development will have on the living conditions of the dwelling is considered in detail in the next section of this report.

The construction of the proposed dwelling will undoubtedly cause some nuisance and disturbance to local residents, but this is an inevitable by-product of any built development and does not warrant a reason to refuse planning permission. Members can, if they see necessary, impose conditions on any approval of planning permission to restrict the hours of construction and require the submission of a scheme of construction to ensure that the construction process is undertaken in a way which is respectful of the amenity of nearby dwellings.

Rights of access/easements

The objector from 1 Blackberry Cottages has indicated that the applicant's treatment of the application site and development proposals will infringe upon their access and easement rights. The Council's Network Management team has, however, advised that these matters appear to be legal obligations relating to land ownership and the rights are private, rather than public. To this end, the tracks and paths in the vicinity of the site are not shown on the adopted highways records or the Definitive Map record as public rights of way.

As the proposals do not appear to affect any public rights of way or access, there is no capacity for the Council, as Highways Authority, to intervene in any complaints regarding obstruction. Such a matter is therefore a private issue to

resolve between the individual(s) claiming the right/easement and the individual(s) perceived to be causing the obstruction.

Handling of application(s)

It has also been suggested by objectors that the return of the previous application (ref. 12/03338/OUT) and the submission of this new application is simply a deliberate attempt to cheat procedures and the system and has resulted in all previous representations being dismissed. This is not the case; the current application has been subject to a new consultation exercise and any representations submitted in respect of previous applications have been added to the current application file for consideration wherever requested in writing.

The impact of the proposed development in respect of visual and residential amenity, highway and pedestrian safety, protected trees and ecology are considered in detail in the next section of this report.

POLICIES:

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

EN_14_Development on unstable or contaminated land or land at risk from landfill/mine gas

B_2_Scale, massing layout and setting of new developments

B_3_Protection of public/ private open space (urban green space)

CN_17_Tree Preservation Orders and replacement of trees

EN_10_Proposals for unallocated sites to be compatible with the neighbourhood

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

COMMENTS:

The National Planning Policy Framework (NPPF) provides the current Government's planning policy guidance and development plans must be produced, and planning applications determined, with regard to it. The NPPF sets out a series of 12 'core planning principles' which underpin plan-making and decision-taking. Particularly relevant in this case are the principles that development should always seek to secure a high quality design and a good standard of amenity and encourage the effective use of land by re-using land that has been previously developed (i.e. brownfield land), provided that it is not of high environmental value.

The relevant guidance of the NPPF detailed above feeds into policies EN10, EN14, B2, B3, CN17 and T14 of the City Council's adopted Unitary Development Plan (1998), which are consequently considered to be pertinent to the determination of this application.

With regard to the above policy background, it is evident that the main issues to consider in the determination of this application are:

1. the principle of the proposed development;
2. the impact of the proposed development on the amenity of existing residential dwellings;
3. the level of amenity afforded to residents of the proposed dwellings;
4. the impact of the proposed development on visual amenity;
5. the impact of the proposed development on highway and pedestrian safety;
6. the impact of the development on protected trees and protected species;
7. the implications of possible previous industrial activity at the site

1. Principle of proposed development

The development site is identified as 'white land' on the proposals map of the City Council's adopted Unitary Development Plan (1998) and as such the proposal is subject to policy EN10. This policy dictates that where the UDP does not indicate any proposals for change, the existing pattern of land use is intended to remain and development in such areas must be compatible with the principal use of the neighbourhood.

Although the Club and church are located to the west and south-west of the proposal site, the vicinity is otherwise residential in character. Given that the vicinity of the development site is principally of residential nature, the proposal to erect a dwelling on the land is considered to be compatible with the prevailing land uses, in compliance with the requirements of policy EN10.

2. Impact of proposed development on residential amenity

Policy B2 of the UDP also requires that new development respects residential amenity and retains acceptable levels of privacy. Supplementary Planning Guidance and the 'Residential Design Guide' Supplementary Planning Document to the UDP provide spacing standards to which new residential development should adhere, in order to achieve acceptable levels of privacy and provide adequate levels of outlook. The SPG and SPD state that a distance of 21 metres should be maintained between main living windows of residential buildings, and 14 metres between main living windows and an elevation free of main living windows.

The nearest dwelling to the application site is 4 Stafford Villas, the north-west corner of which is situated approximately 10 metres from the southern boundary of the plot. However, the rear elevation of this property faces westwards towards the church grounds, rather than north-westwards towards the development site. As such, the development will not harm the outlook from this property's rear windows and nor will it result in any overshadowing of its garden area. The privacy of 4 Stafford Villa's rear garden would also be maintained, given that its own detached garage flanks the boundary with the plot to provide a screen.

The second closest dwelling is 5 Blackberry Cottages, the rear (west) elevation of which is over 30 metres to the east of the plot. This distance is considered to be sufficient to ensure the development will not impinge upon its existing standard of amenity, in terms of outlook, privacy and receipt of daylight and sunlight.

A number of objectors have expressed concern at potential disruption and nuisance during the construction process. Some disturbance and inconvenience

to neighbouring existing dwellings during a building programme is, unfortunately, inevitable, and the extent of such disturbance cannot be a determining factor in the consideration of a planning application. Nevertheless, in the event Members are minded to grant planning permission, it may be pertinent to consider the imposition of conditions requiring the submission of an acceptable scheme of working with the City Council and/or restrictions on the hours during which construction works can take place to ensure that the building process is properly managed in the interests of local amenity.

With regard to the above comments, it is therefore considered that the impact of the proposed dwelling on the amenity of the surrounding residential properties is acceptable, in accordance with the requirements of aforementioned policy B2 of the UDP.

3. Level of amenity afforded to occupiers of proposed property

The City Council's adopted 'Residential Design Guide' Supplementary Planning Document (SPD) and section 2.7 of the 'Development Control Guidelines' Supplementary Planning Guidance (SPG) state that space around dwellings is necessary to permit satisfactory living conditions (hygiene, natural light, comfort) and to help to determine the visual character of the development. Outlook is an important amenity to be enjoyed in a residential property and at least one elevation should have rooms which permit pleasant middle to long distance views.

The applicant has only provided a site plan indicating the footprint of the proposed dwelling and the position of the detached garage. As such, there is no information relating to room sizes or the position of main living room windows. Nevertheless, the footprint would appear to be sufficient to enable the property to be afforded reasonably large rooms, whilst middle to long distance views could be provided from the north and east elevations. In addition, the property would be surrounded by an adequate amount of external amenity space which, subject to appropriate boundary treatment, could be afforded the appropriate level of privacy.

The relationship between the proposed development and the existing Springwell Village Club must also be given consideration. The Club secretary has raised concerns regarding the proposal, noting that the Club can be a noisy environment, due to the live entertainment it provides and the regular visits from delivery and service vehicles, often at unsociable hours. There are also security and safety lights, which switch on and off intermittently during the night.

Whilst the end of the Club car park abuts the site, the Club building itself is 25 metres beyond the boundary, a distance which should be sufficient that any live entertainment, deliveries and servicing will not unduly disturb prospective residents of the proposed dwelling, certainly no more so than the existing dwellings which stand in closer proximity to the club building. The general movement of vehicles within the car park should not result in any unacceptable levels of noise or disturbance. The security lights, meanwhile, are a common feature of many commercial and residential properties and should not represent an undue nuisance to residents of the new dwelling.

It must also be recognised that the Club appears to satisfactorily co-exist with other existing dwellings in the locality, including properties which are in closer proximity to the Club building than the development site.

In considering the appeal submitted in respect of the previously refused application, the Planning Inspector determined that the development site was adequate for the nature of the proposal and that issues relating to the proximity of the Club could be dealt with by means of planning conditions. With regard to the above comments and the findings of the Planning Inspector, it is therefore considered that the proposed dwelling could provide an occupier with an acceptable level of amenity, in accordance with the requirements of the 'Residential Design Guide' SPD and the 'Development Control Guidelines' Supplementary Planning Guidance.

4. Impact of development on visual amenity

Policy B2 of the Council's UDP also requires new development to respect visual amenity and to take into account the character and appearance of the locality. Although scale and appearance are reserved matters, the applicant has provided details of the intended height of the proposed dwelling and the anticipated finish (white-painted render). The suggested finish to the property is indicative only and as appearance is a reserved matter, the merits of the proposed finish are not being considered at this stage. It is nevertheless considered that it will be possible to produce a design which is befitting of the site and will not be detrimental to the visual amenity of the locality.

Also of relevance is policy B3 of the UDP, which seeks to protect areas of valuable open amenity space from inappropriate development. In its current overgrown state, the land has limited aesthetic amenity value and it contributes little to the character and appearance of the locality. Furthermore, the land has no obvious recreational value given that it is currently enclosed, restricting any potential public access. As such, it is considered that the erection of a dwelling on the site will not result in the loss of valuable amenity space, in compliance with the requirements of policy B3.

With regard to the above comments, it is considered that a development can be secured which is unlikely to result in any undue harm to the visual amenity of the locality, in compliance with the requirements of policies B2 and B3 of the UDP.

5. Highway and pedestrian safety

Policy T14 requires proposals for new development to be readily accessible by pedestrians, cyclists and users of public transport; not cause traffic congestion or highway safety problems on existing roads; make appropriate safe provision for access and egress by vehicles, pedestrians, cyclists and other road users; make provision for the loading and unloading of commercial vehicles and indicate how parking requirements will be accommodated.

As noted earlier in this report, in dismissing the appeal lodged in respect of the previously refused application for the dwelling (app. ref. 11/01818/OUT), the Planning Inspector's only concern related to the visibility at the junction between the access track and Springwell Road, despite the City Council's objections to

the additional use of the track itself. In an attempt to overcome the Inspector's concerns, the application proposes a reduction in the height of the fence to the side of 6 Westfield Crescent in order to improve southwards visibility from the junction.

The City Council's Network Management team has accepted the Inspector's reasoning, finding that the increased use of the access track itself would not result in highway and pedestrian safety being unacceptably compromised. The team's consultation response comments in relation to the current application therefore focus on the proposed improvements to the visibility splay at the junction. The comments indicate that the proposed reduction in the height of the fence to the side of 6 Westfield Crescent will improve the visibility to an acceptable standard, provided that the height of the fence does not exceed 0.6 metres for a distance of 1.85 metres back from the edge of Springwell Road. Any boundary feature or subsequent planting along this boundary and the front boundary of 6 Westfield Crescent (which bounds Springwell Road) should not exceed the height of 0.6 metres in order to maintain the visibility splay in perpetuity.

Although the Network Management team's comments indicate that the southwards visibility at the junction will be improved to an acceptable level as a result of the proposed reduction in the height of the fence, as noted earlier in this report the fence and the area of garden beyond are not under the control or ownership of the applicant. The owners of 6 Westfield Crescent have provided written confirmation that they are willing for the alteration to the fence to be carried out and the reduced height retained thereafter, but such a written statement does not have any legal weight and there would consequently be no binding restrictions on the property which would prevent the fence being altered in the future and the improved visibility splay being lost.

In order to ensure the proposed alteration to the fence is carried out and then the achieved visibility splay is retained thereafter and not obstructed by an increase in the height of the fence or planting and the stationing of garden furniture/ornaments etc, in the garden beyond, the applicant and the owners of 6 Westfield Crescent have entered into a legally binding agreement under Section 106 of the Town and Country Planning Act.

The requirements of the S106 agreement are:

- The reduction in the height of the boundary fence to the north side of 6 Westfield Crescent's curtilage from between 1.0 metres and 1.2 metres to not more than 0.6 metres above ground level, for a distance of 1.85 metres eastwards from the kerb line of Springwell Road;
- The height of the boundary fence to be maintained at a height of 0.6 metres once the reduction in height has been carried out;
- The height of the boundary wall between 6 Westfield Crescent and Springwell Road to not exceed 0.6 metres;
- The visibility splay of 1.85 metres x 15.8 metres within the curtilage of 6 Westfield Crescent to be kept clear of any obstructions of 0.6 metres or more in height

The agreement also requires that:

- the reduction in the height of the boundary fence is undertaken prior to the commencement of the construction of the dwellinghouse on the land to the rear of Springwell Village Club;
- the reduction in the height of the boundary fence is undertaken at the expense of the applicant;
- the City Council is notified of the completion of the works to reduce the height of the fence so that officers from the Council's Network Management and Development Management sections can carry out an inspection and confirm compliance with the requirements of this element of the S106 agreement.

The S106 agreement has been signed by the involved parties and is simply awaiting a decision on the current planning application prior to being completed and sealed.

With regard to the above comments, and having had regard to the conclusions of the Planning Inspector in the dismissal of the appeal submitted in respect of refused app. ref. 11/01818/OUT, it is considered that the additional use of the access track to the development site from Springwell Road will not cause harm to highway and pedestrian safety. The alterations to the boundary fence of 6 Westfield Crescent and the subsequent maintenance of the visibility splay achieved via the S106 agreement will also ensure that the visibility at the junction between the access track and Springwell Road is improved to the extent that the additional use of the junction generated by the new development will not prejudice highway and pedestrian safety.

It is recognised that a number of objectors to the development have highlighted parking problems in the vicinity of the application site, with inconsiderate parking leading to accesses being blocked. The new dwelling would, however, be afforded an in-curtilage parking space and garaging for up to two vehicles. This level of parking is commensurate with the levels recommended by the Council's 'Residential Design Guide' SPD and the 'Development Control Guidelines' SPG and is considered to be acceptable in relation to a single dwellinghouse.

As detailed above, it has been necessary for the applicant and owners of 6 Westfield Crescent to enter into a legal agreement under Section 106 of the Town and Country Planning Act to secure the reduction in the height of the boundary fence and the subsequent maintenance of the improved visibility splay thereafter. It is considered that the terms of the S106 agreement will ensure that the development proposal will not lead to conditions which are detrimental to highway and pedestrian safety and so the requirements of policy T14 of the UDP will be satisfied.

6. Impact of proposed development on trees and protected species

Policy CN17 of the UDP states that the Council will encourage the retention of trees which make a valuable contribution to the character of the area and the retention of trees in all new development will be required where possible. As noted at the outset of this report, the site is bordered by a group of trees in the plot to the rear of 1 Westfield Crescent protected by Tree Preservation Order 26, the crowns of which oversail the plot. As such, the application has been accompanied by an arboricultural survey.

The survey has provided an assessment of the quality of the trees and the likelihood of the proposed development affecting their long-term health and amenity value. Two holly stumps on the plot would need to be removed to make way for the proposed development, but the report otherwise concludes that whilst some trees bordering the site should be considered for removal in the interests of good tree management, this would not be required to facilitate the construction of the proposed dwelling.

The survey notes that it is likely that the root protection areas of the protected trees bordering the plot will extend into the site, and as such, a series of ground protection measures, detailed in section 5.3 of the report, will be required to prevent compaction damage to the roots. Pile foundations will also be necessary to ensure the dwelling is constructed in a more 'tree-friendly' manner than a conventional build, whilst barriers around the root protection area are also recommended to prevent damage during construction works.

The report concludes that by using the protective elements detailed in the reports and dictated by British Standard 5837, no significant damage should take place during the construction phase and the tree cover should flourish in the longer term. It is anticipated that all of the retained trees can be incorporated into the site design, but it is vital that the ultimate size and spread of the trees is considered when retaining trees near to the proposed building. Shade and light penetration should also be considered when deciding on the position of windows for the building.

It is therefore considered that, subject to appropriate conditions in respect of the protection of the adjacent trees and their roots during the construction process, the proposed development could be undertaken without any significant detriment to the long-term health of the protected trees, in compliance with the requirements of policy CN17 of the UDP. Whilst the retained trees may result in some shading of the garden areas of the proposed dwelling, this could be remedied through responsible canopy thinning or crown lifting, or, given that the report suggests a number of the adjacent trees are in poor health, selective removal of failing specimens.

Policy CN22 of the UDP, meanwhile, seeks to ensure that new development proposals will not result in adverse affect on species protected by law or their habitat. Some objectors have also suggested that the area around the development site forms a wildlife habitat and a feeding ground for bats and owls. However, the development site itself is a small and overgrown plot and not considered to be of any obvious ecological value, whilst, as detailed above, the proposal does not involve the removal of any of the adjacent mature trees which may provide roosting or feeding opportunities for wildlife. It is therefore considered that the proposed development does not raise any concerns in relation to ecology or protected species, in compliance with policy CN22.

7. The development of a site which has previously been used for industrial purposes

Policy EN14 of the UDP states that where development is proposed on land where there is reason to believe is contaminated or potentially at risk from migrating contaminants, the Council will require the applicant to carry out adequate investigations to determine the nature of ground conditions below and,

if appropriate, adjoining the site. Where the degree of contamination would allow development subject to preventative, remedial or precautionary measures within the control of the applicant, planning permission will be granted subject to conditions specifying the measures to be carried out.

In respect of the current application, the City Council's Environmental Health section has advised that the proposal site may have previously accommodated an industrial use which may have resulted in contamination of the land. It is possible that the proposal site has been exposed to migrating contaminants and as such, further information is required to determine the condition of the land.

The Council's records indicate that the development site is not actually within an area which has previously accommodated industrial activity, although it is identified as being within an area of archived landfill. The Environmental Health section has recommended that a desktop study is undertaken to ascertain whether or not the land is contaminated.

Members are consequently advised to impose conditions on any approval of planning permission to require the applicant to prepare and submit a site investigation/risk assessment, together with details of any remedial work considered necessary to ensure the development site is in a satisfactory condition for the intended development and end use.

CONCLUSION

The proposed erection of a dwelling on the land in question is considered to be acceptable in relation to the prevailing land use in the area, in accordance with the requirements of policy EN10 of the UDP. In addition, the proposed development does not raise any significant concerns regarding visual and residential amenity or open space provision, in accordance with UDP policies B2 and B3. Furthermore, the proposed development need not result in any long-term harm to the health and amenity value of the protected trees adjacent to the proposal site and is not considered to raise any implications in respect of protected species, in accordance with the requirements of policies CN17 and CN22 of the UDP.

The Council previously held concerns in relation to the increased use of the access track to the development site and the potential effect on highway and pedestrian safety. However, as explained above, in dismissing the appeal against the previous refusal of the proposed development (app. ref. 11/01818/OUT), the Planning Inspector did not find that the increase in traffic along the track would pose a danger to highway and pedestrian safety.

In order to overcome the Inspector's concerns in respect of the visibility at the junction between the access track and Springwell Road, it will be necessary to reduce the height of the boundary fence to 6 Westfield Crescent and then prevent impediment to the improved visibility splay this affords. To this end, the applicant and owners of 6 Westfield Crescent have entered into an agreement under Section 106 of the Town and Country Planning Act to secure the alteration to the fence and the subsequent maintenance of the visibility splay. The agreement is ready to be completed and sealed in the event Members determine to approve the planning application.

Subject to the terms of the S106 agreement being implemented and adhered to as required, it is considered that the proposed development will not result in conditions which are prejudicial to highway and pedestrian safety and so the proposal will not conflict with the requirements of policy T14 of the UDP.

For the reasons given above, the proposed development is considered to be acceptable and it is therefore recommended that the application is approved, subject to the following conditions.

RECOMMENDATION: Approve subject to the conditions listed below

Conditions:

- 1 An application for the 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 then be begun before the expiration of two years from the date of approval of the last reserved matters to be agreed, pursuant to the provision of Section 92 of the Town and Country Planning Act 1990 as amended by section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 Approval of the following details (hereinafter referred to as the reserved matters) shall be obtained from the Local Planning Authority, in writing before the development is commenced.

The scale of the dwelling
The external appearance of the dwelling
The landscaping of the development site

Plans and particulars of the reserved matters shall be submitted utilising a planning application form and shall be carried out as approved.

Because the application is in outline only as no details have been submitted of the reserved matters, they are reserved for subsequent approval of the Local Planning Authority.

- 3 Unless otherwise first agreed in writing with the Local Planning Authority, the development hereby granted permission shall be carried out in full accordance with the following approved plans:
 - the location plan received 16/07/2013,
 - the proposed site layout plan received 16/07/2013,
 - the site plan/proposed access arrangements plan received 16/07/2013 and,
 - the site plan of 6 Westfield Crescent and existing and proposed fence elevations received 16/07/2013 (drawing no. 322/02B),

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

- 4 Notwithstanding any indicative information provided with this outline planning application, precise details of the height, width, length and external appearance (including the materials proposed to be used in its construction) of the proposed dwelling shall be submitted for the consideration of the Local Planning Authority at the Reserved Matters planning application stage, in order to achieve a satisfactory form of development on site and to comply with the requirements of policy B2 of the adopted UDP.
- 5 The detailed plans to be submitted as reserved matters shall include a survey of existing and proposed ground level sections across the site and details of the finished slab levels of the property, to achieve a satisfactory form of development and to comply with policy B2 of the UDP.
- 6 Before the development hereby approved is commenced the dwelling shall be pegged out on site and its exact location agreed in writing with the Local Planning Authority, in order to achieve a satisfactory form of development and to comply with policy B2 of the UDP.
- 7 The erection of the dwelling hereby approved shall not be begun until the proposed reduction in the height of the boundary fence to 6 Westfield Crescent detailed on the approved existing and proposed fence elevations received 16/07/2013 (drawing no. 322/02B) has been undertaken in accordance with the submitted plans and written confirmation has been received from the City Council as Local Planning Authority that the alteration to the fence has been carried out to its satisfaction, in the interests of highway and pedestrian safety and to comply with policy T14 of the UDP.
- 8 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 days and hours of working, 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 UDP.
- 9 The construction works 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 08.00 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 saved adopted Unitary Development Plan.
- 10 No deliveries shall be taken at or despatched from the site outside the hours of 08.00 and 18.00 Monday to Friday and between the hours of 08.00 and 14.00 on Saturdays and at no time on Sundays, Bank or Public Holidays to ensure that nearby properties are not adversely affected by the development and that highway safety is not compromised and to comply with policy EC12 and EC13 of the saved adopted Unitary Development Plan.

- 11 Notwithstanding any specifications on the submitted plans details of all walls, fences or other means of boundary enclosure 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 an agreed timetable, in the interests of visual amenity and to comply with policy B2 of the UDP.
- 12 The area indicated on the submitted site plan for the parking and manoeuvring of vehicles shall be laid out in accordance with the approved plans before the building dwelling is occupied. The area shall then be available for such use at all times and shall be used for no other purpose, in the interests of highway safety and to comply with policy T14 of the UDP.
- 13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), or any statutory instrument which revokes and re-enacts the provisions of the current Order, no development other than that approved as part of this application and any subsequent application for reserved matters shall be undertaken at the dwelling hereby permitted without the prior written consent of the Local Planning Authority, in order that the Local Planning Authority may retain control over the development and to comply with policy B2 of the UDP.
- 14 No trees within or adjacent to the development site, other than the two holly stumps within the development site, shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped without the written approval of the Local Planning Authority, in the interests of maintaining the amenity value of the tree cover at the site and to comply with policy CN17 of the UDP.
- 15 The ground works required for the development hereby approved shall not commence until the ground protection measures set out in section 5.2 (Ground Protection Areas and Erection of Scaffolding Within the Trees Root Protection Areas) of the 'Arboricultural Implication Assessment of Trees on land at Springwell Village, Gateshead' by All About Trees (received 17/12/2012) have been implemented within the area identified by orange hatching blue hexagonal hatching on the 'Arboricultural Implication Assessment Tree Protection Plan'. The ground protection and scaffolding erection measures detailed in section 5.2 of the Assessment shall then be retained until the development is completed, unless otherwise first agreed in writing with the City Council as Local Planning Authority, in order to restrict ground compaction within Root Protection Areas and comply with the requirements of policy CN17 of the UDP.
- 16 Protective fencing around retained trees, the form of which shall be in accordance with the guidance in BS5837 (Trees in relation to construction) shall be positioned as indicated on the 'Arboricultural Implication Assessment Tree Protection Plan' received 17/12/2012, and constructed as per section 5.1 of the 'Arboricultural Implication Assessment of Trees on land at Springwell Village, Gateshead' by All About Trees (received 17/12/2012), before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed

from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority, in order to protect retained trees at the site and comply with the requirements of policy CN17 of the UDP.

- 17 In the areas of the development site where 'Pile Foundations Required' (i.e. magenta cross hatching) is indicated on the 'Arboricultural Implication Assessment Tree Protection Plan' received 17/12/2012, the development hereby approved shall be carried out in complete accordance with Section 4.7 ('Pile Foundations') of the 'Arboricultural Implication Assessment of Trees on land at Springwell Village, Gateshead' received 17/12/2012, in order to protect retained trees at the site and comply with the requirements of policy CN17 of the UDP.
- 18 Unless otherwise agreed by the Local Planning Authority, no development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions number 19 to number 21 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition number 22 has been complied with in relation to that contamination. To ensure that risks from land contamination to future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the Unitary Development Plan.
- 19 Unless otherwise agreed in writing by the Local Planning Authority development must not commence until an investigation and risk assessment, in addition to any assessment provided with the planning application, has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site (site characterisation), whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:
 - (i) a survey of the extent, scale and nature of contamination;
 - (ii) an assessment of the potential risks to: human health property (existing or proposed) including building, crops, livestock, pets, woodland and service line pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments.
 - (iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11.'

To ensure that risks from land contamination to future users of the land and neighbouring land are minimised, together with those to controlled

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

- 20 Unless otherwise agreed by the Local Planning Authority, development must not commence until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environment Protection Act 1990 in relation to the intended use of the land after remediation. To ensure that the risks from land contaminated to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the Unitary Development Plan.
- 21 The remediation scheme approved under Condition number 20 (Submission of Remediation Scheme) must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimise, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the Unitary Development Plan.
- 22 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition number 19 (Site Characterisation), and when remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition number 20 (Submission of Remediation Scheme), which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared which is subject to the approval in writing of the Local Planning Authority in accordance with condition number 21 (Implementation of Approved Remediation Scheme). If unexpected contamination is found after development has begun, development must be halted on that part of the

site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until this condition has been complied with in relation to that contamination. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks and in accordance with policy EN14 of the Unitary Development Plan.

Reference No.: 14/00983/FUL Full Application

Proposal: **Erection of an infill extension to adjoin 6 and 8 Sedling Road, erection of an extension to the rear of 8 Sedling Road and associated alterations to car parking and servicing arrangements**

Location: Roundel Manufacturing Limited 5- 8 Sedling Road Wear Washington NE38 9BZ

Ward: Washington South

Applicant: Roundel Manufacturing Limited

Date Valid: 18 June 2014

Target Date: 17 September 2014

PROPOSAL:

The site to which the application relates comprises units 5-8 Sedling Road in Wear Industrial Estate. The units are all operated by Roundel Ltd, a company which manufactures kitchens. At present, units 6-8 are in use as parts of the manufacturing process, whilst unit 5 is used for storage of stock. The hardstanding area between the units accommodates car parking and loading areas. The area to the rear of unit 6 is given over to car parking, whilst goods vehicle loading bays are provided to the rear of unit 8. The complex is gated from Sedling Road and the boundary is enclosed by way of palisade fencing. A public footpath runs parallel with the rear boundary and also along the side of units 7 and 8. The nearest dwellings to the application site are to the rear in Firtree Avenue, Harraton and are offset by approximately 50 metres from the rear boundary.

Planning permission is sought for the erection of an infill extension to adjoin 6 and 8 Sedling Road, an extension to the rear of 8 Sedling Road and associated alterations to the car parking and servicing arrangements. The proposal would primarily allow for increased storage capacity and would comprise a total of 1,517 square metres of new floor space.

The extension to infill the area between numbers 6 and 8 would see the creation of 1,089 square metres of new floor space. Through the fitting of roller shutter doors to both the front and rear of this extension, it will allow vehicles to drive through it in order to rear the car parking and loading bays to the rear of the site. The enclosure of the rear yard that this extension will provide would be beneficial to the business in terms of improved security for the rear yard at night time. The extension would be 36 metres wide and 31 metres in depth, although as it is designed to adjoin the rear of both numbers 6 and 8, it is not perfectly square given that the rear elevation of number 8 stands forward of the rear of number 6. The extension would be 8.4 metres high.

The extension to the rear of number 8 projects 29 metres beyond the rear elevation of the existing building and would be 15 metres wide. The result of this

extension would be the relocation of some existing south facing loading bays to the west elevation of the proposed extension. The extension would be 8 metres high.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Network Management
Environmental Health
Washington South - Ward Councillor Consultation
Final Date for Receipt of Representations: **06.08.2014**

REPRESENTATIONS:

Neighbours

One representation has been received in objection to the proposal from the occupier of 29 Firtree Avenue, Harraton. The reasons for the objection are as follows:

- There have been previous problems with this factory in terms of noise generation. The Environmental Health Team has been involved in the past. The factory owner has previously advised that he does not have the funds to erect a noise barrier.
- The factory is already noisy and increasing its size will increase the amount of noise it produces.
- A neighbour has advised that building work may have already started.
- The time period available to lodge his concerns is limited due to the consultation letter being received immediately prior to a three week holiday. The objector was unable to view the plans before leaving for holiday.

Consultees

Network Management

In response to consultation, the Network Management Team has offered no observations or recommendations.

Environmental Health

In response to consultation, the Environmental Health Team has noted that the applicant has submitted an assessment in respect of ground contamination. This is currently under review and until it has been fully assessed, it is recommended that no works other than investigation works should be carried out on the site prior to the receipt of written approval of the desktop study and any necessary remediation strategy in respect of this matter. The responsibility for the safe development of the site rests with the developer.

Further comments received relate to recommended hours between which construction works should be carried out and also notes in respect of the use of machinery and measures to prevent dust generation and vibration.

POLICIES:

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

B_2_Scale, massing layout and setting of new developments

EC_4_Retention and improvement of existing business and industrial land

EN_5_Protecting sensitive areas from new noise/vibration generating developments

EN_14_Development on unstable or contaminated land or land at risk from landfill/mine gas

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

WA_1_Retention and improvement of established industrial / business area

COMMENTS:

The main issues to consider in determining this proposal are:

- 1 Principle of the development.
- 2 Visual amenity and street scene issues.
- 3 Impact on Residential Amenity.
- 4 Access and highway issues.
- 5 Noise issues.
- 6 Land Contamination.

Principle of the development

Policies EC4 and WA1.14 of the adopted Unitary Development Plan (UDP) identify the area in which the application site is located as an established industrial estate, in this case Wear which extends to 45.90 Hectares. The UDP identifies the primary allocated uses of the estate as being for offices, research & development, light industry, general industry, warehouses and storage (Uses falling within Use Classes B1, B2 and B8 of the Town and Country Planning (Use Classes) Order) which should be retained and improved.

Insofar as the proposal relates to extensions to facilitate additional facilities for the existing factory, which is in use as a production facility for kitchens (Use Class B2), the proposal is considered to accord with the aims of policies EC4 and WA1.14. The proposed development is therefore considered to be acceptable in principle.

Visual amenity and street scene issues

Policy B2 of the Council's adopted UDP requires new development proposals to respect the visual amenity and character of the locality.

In this regard, the proposed link extension to adjoin unit 6 to unit 8 is set back from the site entrance from Sedling Road by approximately 60 metres, whilst the extension to the rear of unit 8 would be screened from view from Sedling Road

by the existing buildings. Whilst the proposed link extension would be slightly higher than the existing units through the incorporation of a pitched roof, based on the submitted plans, it does not appear out of scale with the existing buildings on the site or the wider surroundings, given the industrial setting. The proposed extension to the rear of unit 8 replicates the height of the previous extension to this unit, to which it would be adjoined. Whilst it would be visible from the footpaths which run to the side and rear of the site, it is not considered that it would appear disproportionate when viewed in the context of the existing buildings. The submitted plans indicate that the proposed extensions would be constructed using materials which would match the existing buildings. This could be ensured through the imposition of a condition should Members be minded to grant planning permission and subject to such a condition, the impact upon the street scene and visual amenity is considered to be acceptable with due regard to UDP policy B2.

Impact on Residential Amenity

UDP Policy B2 also requires new development proposals to respect the amenity of existing residential properties.

In considering the application, it is noted that the nearest dwellings to the application site are those in Firtree Avenue, Harraton, which stand approximately 50 metres away to the south. Intervening land uses include two footpaths and areas of open space with various planting evident thereon. This separation distance, coupled with the intervening land and planting which exists between the properties is considered to be sufficient in order that the amenities of residents of occupiers of the closest dwellings to the site will not be unacceptably compromised.

The impact of the proposal upon residential amenity is considered to be acceptable with due regard to UDP policy B2.

Access and highway issues

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 this regard, access to the site would be unchanged and 39 car parking spaces would remain, all of which would be accessible, being located either close to the site entrance or adjacent to the rear boundary, being accessed by driving through the proposed link extension. The Network Management Team has offered no observations or recommendations as set out above and the proposal is not considered likely to create conditions prejudicial to highway safety or contrary to the aims of UDP policy T14.

Noise Issues

UDP policy EN5 seeks to ensure that where development is likely to generate noise sufficient to increase significantly the ambient sound or vibration levels in residential or other noise sensitive areas, the Council may require the applicant to carry out an assessment of the nature and extent of likely problems or to

incorporate suitable mitigation measures in the design of the development. Where such measures are not practical, permission may be refused.

In the assessment of the likely impact of noise and disturbance upon existing local residents, a key consideration is the change in character of use of the building and the layout of the application site.

As set out above, the proposed development would see the existing units 6 and 8 become adjoined to each other, which would have the effect of screening the foremost part of the service yard and car parking area from view of the nearest residents to the site in Firtree Avenue. Notwithstanding this, the proposal also includes an extension to the rear of unit 8 which would bring this unit closer to the southern boundary and consequently, closer to the nearest dwellings, although a distance of approximately 50 metres remains between the factory extension and these dwellings. This extension would incorporate loading bays, which are to be relocated from the existing building wherein they are presently incorporated into the south elevation. Whilst the extension would bring these closer to the boundary of the site, it would also see them re-aligned so as to face west, i.e. into the factory yard rather than towards the southern boundary, the footpaths, open space and the dwellings beyond. This arrangement coupled with the intervening land uses and the separation distance of approximately 50 metres between the proposed extension is such that it is not considered that noise disturbance would result to adjacent residents sufficient to warrant a refusal of planning permission.

The comments made in objection to the proposal in respect of noise generated by the existing operation of the factory are noted. Notwithstanding this, it should be noted that the planning system could not regulate this in the absence of planning conditions attached to the original grant of planning permission for the factory. These matters would need to be dealt with as statutory nuisance under Environmental Health regulations.

For the reasons set out above, it is not considered that the proposed extension would likely result in a demonstrable increase in noise sufficient to cause unacceptable harm to the amenities of occupiers of the closest dwellings to the site. For these reasons, the proposal is considered to accord satisfactorily with UDP policy EN5.

Land Contamination

UDP policy EN14 dictates that where development is proposed on land which there is reason to believe is contaminated or potentially at risk from migrating contaminants, the Council will require the applicant to carry out adequate investigations to determine the nature of ground conditions below and, if appropriate, adjoining the site. Where the degree of contamination would allow development subject to preventative, remedial or precautionary measures within the control of the applicant, planning permission will be granted subject to conditions specifying the measures to be carried out.

The application is accompanied by an assessment in respect of ground contamination. This is currently under review by the Council's Environmental Health Team and until it has been fully assessed, it is recommended that no works other than investigation works should be carried out on the site prior to the receipt of written approval of the desktop study and any necessary remediation strategy in respect of this matter. For this reason and given that the responsibility

for the safe development of the site rests with the developer, it is recommended that the standard suite of conditions in respect of land contamination and remediation be imposed on any planning permission granted in order to accord with UDP policy EN14.

Conclusion

In light of the above, the development is considered to be acceptable in terms of its principle, street scene, amenity issues, environmental issues and the impact on the highway network.

Members are recommended to approve the application subject to the conditions set out below.

RECOMMENDATION: Approve subject to the condition listed below

Conditions:

- 1 The development to which this permission relates must be begun not later than three years beginning with the date on which permission is granted, as required by section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 to ensure that the development is carried out within a reasonable period of time.
- 2 Unless otherwise first agreed in writing with the Local Planning Authority, the development hereby granted permission shall be carried out in full accordance with the following approved plans:

To be inserted

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

- 3 Notwithstanding any indication of materials which may have been given in the application; the external materials to be used, including walls, roofs, doors and windows shall be of the same colour, type and texture as those used in the existing building, unless the Local Planning Authority first agrees any variation in writing; in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.
- 4 No construction works required for the development hereby approved shall be carried out other than between the hours of 07.00 and 19.00 Monday to Friday and 07.30 and 14.00 on Saturdays with no works to be carried out on Sundays or Bank Holidays, unless first agreed in writing with the Local Planning Authority, in the interests of residential amenity and to comply with policy B2 of the Unitary Development Plan.
- 5 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions number 6 to number 8 have been complied with. If unexpected contamination is found after

development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition number 9 has been complied with in relation to that contamination. To ensure that risks from land contamination to future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the Unitary Development Plan.

- 6 Unless otherwise agreed in writing by the Local Planning Authority development must not commence until an investigation and risk assessment, in addition to any assessment provided with the planning application, has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site (site characterisation), whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to human health property (existing or proposed) including building, crops, livestock, pets, woodland and service line pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments.
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

- 7 Unless otherwise agreed by the Local Planning Authority, development must not commence until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environment Protection Act 1990 in relation to the intended use of the land after remediation. To ensure that the risks from land contaminated to the future users of the land and neighbouring land are

minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the Unitary Development Plan.

- 8 The remediation scheme approved under Condition number 7 (Submission of Remediation Scheme) must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimise, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the Unitary Development Plan.

- 9 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition number 6 (Site Characterisation), and when remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition number 7 (Submission of Remediation Scheme), which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared which is subject to the approval in writing of the Local Planning Authority in accordance with condition number 8 (Implementation of Approved Remediation Scheme).

If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until this condition has been complied with in relation to that contamination.

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks and in accordance with policy EN14 of the Unitary Development Plan.

Reference No.: 14/01285/LAP Development by City(Regulation 3)

Proposal: **Replacement of existing architectural feature lighting of Penshaw Monument, to include removal of existing ground recessed floodlights and housings and the installation of new floodlights, housings and associated supply cabling.**

Location: Penshaw Hill Chester Road Shiney Row Houghton-le-Spring

Ward: Shiney Row

Applicant: Office Of The Chief Executive

Date Valid: 4 August 2014

Target Date: 29 September 2014

PROPOSAL:

Planning permission is sought for the replacement of existing architectural feature lighting of Penshaw Monument, to include removal of existing ground recessed floodlights and housings and the installation of new floodlights, housings and associated supply cabling at Penshaw Hill, Chester Road, Penshaw, Houghton-le-Spring.

The proposed development affects Penshaw Hill and the Earl of Durham's Monument standing at its summit. The hill is located just to the north of Chester Road between the A19 and Penshaw village and the monument, more commonly known as Penshaw Monument, is a highly prominent and recognisable regional landmark visible for many miles around. The monument takes the form of a Greek temple, with ashlar columns, end pediments, but no roof, and was erected in memory of John George Lambton (1792-1840), the first Earl of Durham, in 1844. The monument and land around it are owned and managed by the National Trust and the monument is a Grade I Listed building.

The application essentially proposes the replacement of the existing equipment providing illumination of the monument. Planning permission was originally granted for equipment to illuminate the monument in 1987 (planning application ref. 87/1215), but this apparatus has reached the end of its useful life and is inefficient in terms of energy consumption. The new lighting scheme involves low-energy and colour-change capable LED flood lighting.

There are currently 21 no. flood lights arranged in a ring on the grassy hilltop around the base of the monument, each of which is covered by a protective steel casing. The lights are connected to a feeder pillar and power cabling is hidden below ground.

The new system involves 18 no. flood lights, also to be arranged in a ring around the monument at a distance of 3 - 3.5 metres from its base, slightly closer than as existing. The new flood lights will also be installed in ground-mounted cases,

although these will be of lesser width than the existing units, and are to be painted green to reduce their visual impact against the grass surrounding the monument. The existing feeder pillar is to remain but new cabling, to be installed below ground, is required.

The proposal does not involve any works affecting the fabric of the monument itself, and as such, there is no requirement for a separate Listed Building Consent.

The current planning application has been submitted on behalf of the City Council by Balfour Beatty Ltd, which, trading as Aurora, manages and maintains street lighting and highway signage in the City.

TYPE OF PUBLICITY:

Press Notice
Site Notice Posted
Neighbour Notifications

CONSULTEES:

County Archaeologist
Network Management
English Heritage
The Highways Agency
Shiney Row - Ward Councillors Consultation

Final Date for Receipt of Representations: **to be reported**

REPRESENTATIONS:

Public consultations - no letters of representation have been received to date. However, the period for the receipt of consultations has not yet expired. Details of any representations received following the preparation of this report will be provided ahead of the Committee meeting.

English Heritage - does not wish to offer any comments on this occasion.

A consultation response is awaited from the Tyne and Wear County Archaeologist. Details of any comments received will be reported ahead of the Committee meeting.

POLICIES:

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

EN_10_Proposals for unallocated sites to be compatible with the neighbourhood
B_2_Scale, massing layout and setting of new developments
B_10_Development affecting the setting of listed buildings
B_13_Sites and monuments of local importance affected by development

B_14_Development in areas of potential archaeological importance
EC_8_Support for tourist and visitor attractions.
CN_13_Protection and enhancement of important views
HA_3_Provision and / or improvement of tourist and visitor attractions
HA_19_Protection and enhancement of important views
T_14_Accessibility of new developments, need to avoid congestion and safety problems arising

COMMENTS:

ISSUES TO CONSIDER

The National Planning Policy Framework (NPPF) provides the current Government planning policy guidance and development plans must be produced, and planning applications determined, with regard to it. The NPPF sets out a series of 12 'core planning principles' which underpin plan-making and decision-taking and are considered to contribute to the over-arching aim of delivering sustainable development. Particularly relevant in this case are the principles that the planning system should always seek to secure a high quality design and a good standard of amenity and conserve and manage heritage assets in a manner appropriate to their significance.

The relevant guidance of the NPPF detailed above feeds in to policies EN10, B2, B10, B13, B14, EC8, CN13, HA3, HA19 and T14 of the City Council's adopted Unitary Development Plan (1998).

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

1. the principle of the proposed development,
2. the impact of the development on visual amenity and the setting of Penshaw Monument,
3. the impact of the development on Penshaw Hill and Monument as landmarks and tourist attractions,
4. the archaeological implications of the proposed development,
5. the access implications of the proposed development,
6. the ecological implications of the proposed development

1. Principle of development

Penshaw Hill is not allocated for a specific land use by the proposals map of the Council's adopted UDP and as such, policy EN10 therein is applicable. This advises that where there is no specific land use allocation, the existing pattern of land use is intended to remain; new development proposals must respect the prevailing land uses in the neighbourhood.

The proposed development simply replaces the existing feature flood lighting at the hill and facilitate and does not give rise to any land use implications. As such, there is not considered to be any conflict with policy EN10's aims and objectives.

2. Impact of development on visual amenity and setting of Penshaw Monument

As noted at the beginning of this section of the report, one of the Core Principles of the NPPF is that new development should seek to conserve and manage heritage assets, such as Listed Buildings, in a manner appropriate to their significance. More detailed guidance is provided by section 12 of the NPPF, paragraph 137 of which states that Local Planning Authorities should look for new development within the setting of heritage assets to enhance or better reveal their significance; proposals which will achieve this should be treated favourably.

On a local level, policy B2 of the UDP requires new development to be of a high quality and respect the context of the development site, whilst policy B10 requires development proposals in the vicinity of Listed buildings to respect their character and setting.

The replacement of the existing flood lighting equipment at the site actually serves to reduce the amount of development at the summit of the hill and in the vicinity of the Monument, for there will be fewer cases and these will be of a smaller size and finished in a sympathetic green colour. As such, it is considered the visual impact of the new flood lighting equipment is lesser than as at present.

The new flood lighting cases are, however, positioned slightly closer to the base of Penshaw Monument than the existing cases. As noted in the 'Representations' section of this report, English Heritage has raised no objections to the development in respect of the setting of Penshaw Monument as a Grade I Listed building and one of the most significant and recognisable heritage assets in the region.

In addition, the Council's Built Heritage team has advised that the proposed development will not harm the significance of the Monument or detract from its setting. Indeed, the ability to illuminate this historic building will enhance its appearance during the evening and allowed the site to be viewed for many miles around.

Given the above comments, it is considered that the impact of the development on visual amenity and the setting of this highly significant Grade I Listed building is acceptable, in accordance with the requirements of policies B2 and B10 of the UDP and section 12 and paragraph 137 of the NPPF.

3. Impact of development on Penshaw Hill and Penshaw Monument as landmarks and tourist attractions

Policy HA3 of the UDP identifies Penshaw Monument as a key tourist attraction and states that the provision and/or improvement of visitor facilities and other works to enhance its value will be encouraged. Allied to this, policy EC8 of the UDP states that the Council will support development which caters for tourists and other visitors.

In addition, policy HA19 of the UDP seeks to protect and enhance key views of and from Penshaw Monument, a position which is reinforced by the requirements of policy CN13.

The installation of the flood lighting equipment at the base of the Monument will not, it is considered, impact upon its value as a tourist attraction or a key local and regional landmark. Nor will the development impact negatively on views of the Monument from the surrounding area or from the summit of Penshaw Hill and the Monument itself. Indeed, the flood lighting of the Monument, which has been carried out since the late 1980's, is considered to enhance and highlight its status as a key landmark and tourist attraction, and the improvement of the quality of the flood lighting will only serve to .

Given the above, it is considered that the implications of the proposal in respect of the tourism and landmark value of Penshaw Hill and Penshaw Monument are acceptable, in accordance with the requirements of policies EC8, CN13, HA3 and HA19 of the UDP.

4. Archaeological implications of proposed development

Policy B13 of the UDP states that the Council will seek to safeguard sites of local archaeological significance, whilst policy B14 states that where development proposal affect sites of known archaeological importance, an archaeological assessment or evaluation may be required.

The Tyne and Wear County Archaeologist has been consulted for advice on the likely implications of the proposed development in respect of archaeology, but a response is still awaited. It is anticipated that a response will be received shortly and details will be provided on a Supplement to this report.

5. Access implications in respect of proposed development

Policy T14 of the UDP states that development proposals must not prejudice highway and pedestrian safety. The Council's Network Management team has, in response to consultation, offered no observations or recommendations in respect of the proposal's impact on pedestrian safety and access and so the scheme is considered to comply with the requirements of UDP policy T14.

6. Ecological implications of proposed development

Section 11 of the NPPF sets out a general strategy for the conservation and enhancement of the natural environment, and it advises that the planning system should recognise the wider benefits of ecosystem services and minimise impacts on biodiversity and provide net gains in biodiversity where possible. Policies CN19, CN20 and CN21 of the UDP state that the City Council will support the conservation of sites of designated nature conservation value and protect them from adverse development impacts, whilst policy CN22 states that development proposals which would adversely affect any animal or plant species afforded special protection by law, or its habitat, will not be permitted unless mitigating action is achievable.

Penshaw Hill is designated as a Local Wildlife Site on account of its ecologically valuable Magnesian limestone grassland habitat. In addition, the site is located within an open, rural area and close to woodland (Penshaw Wood to the north, also a Local Wildlife Site). It is not anticipated that the proposed development will

detrimentally impact upon these habitats given that the proposal is essentially a replacement of the existing longstanding flood lighting scheme.

However, this matter is still being considered; it is anticipated that full assessment of the ecological implications of the development will have been completed prior to the Committee meeting and final details will be provided on a Supplement to this report.

CONCLUSION

For the reasons outlined above, it is considered that the proposed development is acceptable in principle, whilst the proposals raise no concerns in relation to visual amenity, the setting of the Grade I Listed Penshaw Monument, the tourism and landmark value of Penshaw Hill and Penshaw Monument and pedestrian access arrangements. However, a number of matters are currently still being considered, including the ecological and archaeological implications of the proposed development. In addition, the period for the receipt of public representations has not yet expired.

It is anticipated that full consideration of these matters will be completed shortly and will be reported on a Supplementary Report, together with details of any representations received from members of the public. The Supplementary report will also provide a recommended decision and details of suggested conditions.

RECOMMENDATION: Deputy Chief Executive to Report

Reference No.: 14/01608/FUL Full Application

Proposal: **Change of use from snooker and social club (D2) to carpet retailer (A1).**

Location: Houghton Snooker And Social Club Hillside Way Newbottle Street Houghton-le-Spring DH4 4AR

Ward: Houghton

Applicant: Mr David Cox

Date Valid: 25 July 2014

Target Date: 19 September 2014

PROPOSAL:

Planning permission is sought to change the use of the host building from a snooker and social club, which falls within Class D2 of the Town and Country Planning (Use Classes) Order 1987 (as amended), to a retail unit for the sale of carpets, which falls within Class A1 of the Order. The proposal affects the ground floor and mezzanine level of the building and a net tradable area of 535sq.m would be provided. No physical alterations to the building are proposed, with the exception of the removal of the internal bar, no dedicated car parking would be provided and hours of operation are not specified. It is estimated that 3no. full-time members of staff would be employed at the premises.

The host unit, which has a footprint of approximately 425sq.m, is a relatively modern detached, flat-roofed building which occupies a prominent site on an area of raised grassed landscaping within Houghton-le-Spring town centre. The site abuts the dual-carriageway A182 Hillside Way to the east and Newbottle Street, the main commercial thoroughfare in Houghton town centre, lies to the west. The roundabout junction between Hillside Way and Newbottle Street is situated to the north and the junction between two short roads which lead from Hillside Way and Newbottle Street to provide access to the car park of the nearby Co-Op supermarket is situated to the south. Entry to the host building is taken from a porch in the south elevation via footpaths leading across the grassed landscaping from the access road to the Co-Op, a small pitched roof extension projects from its west elevation and the snooker club does not benefit from any dedicated parking provision.

The majority of the ground floor of the existing building (approximately 260sq.m) is occupied by the snooker playing area, with the remaining southern portion occupied by a bar, seating area and toilets. Above the bar and seating area is a mezzanine floor (floor area approximately 115sq.m) housing a number of pool tables and further toilets.

Planning permission (ref. 08/03445/FUL) was granted in 2008 to change the use of the host premises to a public house, however this consent was not implemented and has now expired.

TYPE OF PUBLICITY:

Site Notice Posted
Neighbour Notifications

CONSULTEES:

Network Management
Houghton - Ward Councillor Consultation

Final Date for Receipt of Representations: **02.09.2014**

REPRESENTATIONS:

The statutory period for the receipt of representations does not expire until 27 August 2014, prior to the Sub-Committee meeting but subsequent to this report.

One letter of representation has been received to date, submitted by Houghton Carpet Centre Limited, wherein concerns are raised that the proposal would adversely affect the trade of other carpet shops within the local area. In response to this, Members are advised that the regulation of market competition is not a function of the planning system and, as such, limited weight should be given to this matter.

The Council's Network Management section confirmed that no observations or recommendations are offered in this instance.

POLICIES:

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

B_2_Scale, massing layout and setting of new developments

HA_30_Support for Houghton Town Centre

S_2_Encouraging proposals which will enhance / regenerate defined existing centres.

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

T_22_Parking standards in new developments

COMMENTS:

The main issues to consider with regard to the proposed development are:

- the principle of the proposed change of use;
- the impact on residential amenity; and
- any parking / highway safety implications.

Principle

The site lies within Houghton Town Centre, as defined by the proposals map of the Council's adopted Unitary Development Plan (UDP), and, as such, policy HA30 is relevant, which states that the maintenance and improvement of

Houghton Shopping Centre will be supported. This policy cites policy S2 of the UDP, which states that the Council will give favourable consideration to proposals which will sustain and enhance the vitality, viability and appropriate diversification of retail centres and thereby facilitate their regeneration. Subject to other policies within the UDP, Use Classes A1 (retail), A2 (financial and professional services), the former Class A3 (all food and drink, which has since been divided into Classes A3, A4 and A5), Class D1 (non-residential institutions) and Class D2 (assembly and leisure) are identified as being acceptable within these centres.

The proposed shop falls within Use Class A1, which is explicitly identified as an acceptable use within Houghton Shopping Centre. The development would also carry the benefit of keeping a unit of currently questionable viability in use, resulting in the creation of additional jobs whilst introducing an additional business to the Shopping Centre, to the benefit of the vitality and viability of the local area.

Having regard to the aforementioned policies, notwithstanding the other issues listed above, the principle of the proposed change in the use of the property to a retail shop is considered to be acceptable.

Impact on Residential Amenity

UDP policy B2 requires that the scale, massing and layout of new development should respect and enhance the best qualities of nearby properties and the locality.

The host building benefits from occupying a relatively secluded and isolated location, distant from residential properties. The buildings closest to the development site (Lambton House and 83 and 85 Newbottle Street) are in commercial use and the nearest residential estate (Houghtonside) is located over 50m away to the east on the opposite side of the dual-carriageway A182 Hillside Way. This distance, coupled with the presence of the busy road and the nature of the proposed use, is considered to be sufficient to ensure that the proposal should raise no significant concerns with regard to residential amenity and, given the nature of the proposed use in particular, it is not considered necessary to impose any condition limiting the operating hours of the property.

Highway Implications

Policies T14 and T22 of the UDP require proposals for new development to be readily accessible by pedestrians, cyclists and users of public transport and indicate that development should not cause traffic congestion or highways safety problems on existing roads whilst adequate provision should be made for parking and the loading and unloading of commercial vehicles.

A substantial car park is situated directly to the rear of the site, although this is dedicated to the Co-Op supermarket. However, it is not considered that the proposal would result in any significant intensification in the use of the premises or consequent attraction of additional car-borne visitors. In addition, the host property is situated within an existing shopping centre with good bus links and a public car park exists within 100m of the site to the west, so it is considered that any minor increase in traffic created by the development can be adequately accommodated.

With regards to servicing and refuse storage, whilst no details of such have been provided, it is apparent that an adequate provision is already in place to serve the Snooker and Social Club from the west via Newbottle Street.

Accordingly, it is not considered that the proposal would compromise highway safety or the free passage of traffic, in accordance with policies T14 and T22 of the UDP.

Conclusion -

For the reasons given above, the principle of the proposed change of use is considered to be acceptable and it is not considered that the proposal would compromise residential amenity, highway safety or the free passage of traffic, in accordance with policies B2, HA30, S2, T14 and T22 of the UDP. It is therefore recommended that Members approve planning permission, subject to the following conditions.

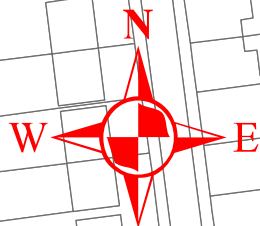
However, the statutory period for the receipt of representations does not expire until 27 August 2014, after the preparation of this report but prior to the Sub-Committee meeting. If any representations are received prior to the Sub-Committee meeting, these will be reported to the Sub-Committee and the proposal will be reappraised, if necessary.

RECOMMENDATION: Approve subject to the conditions listed below

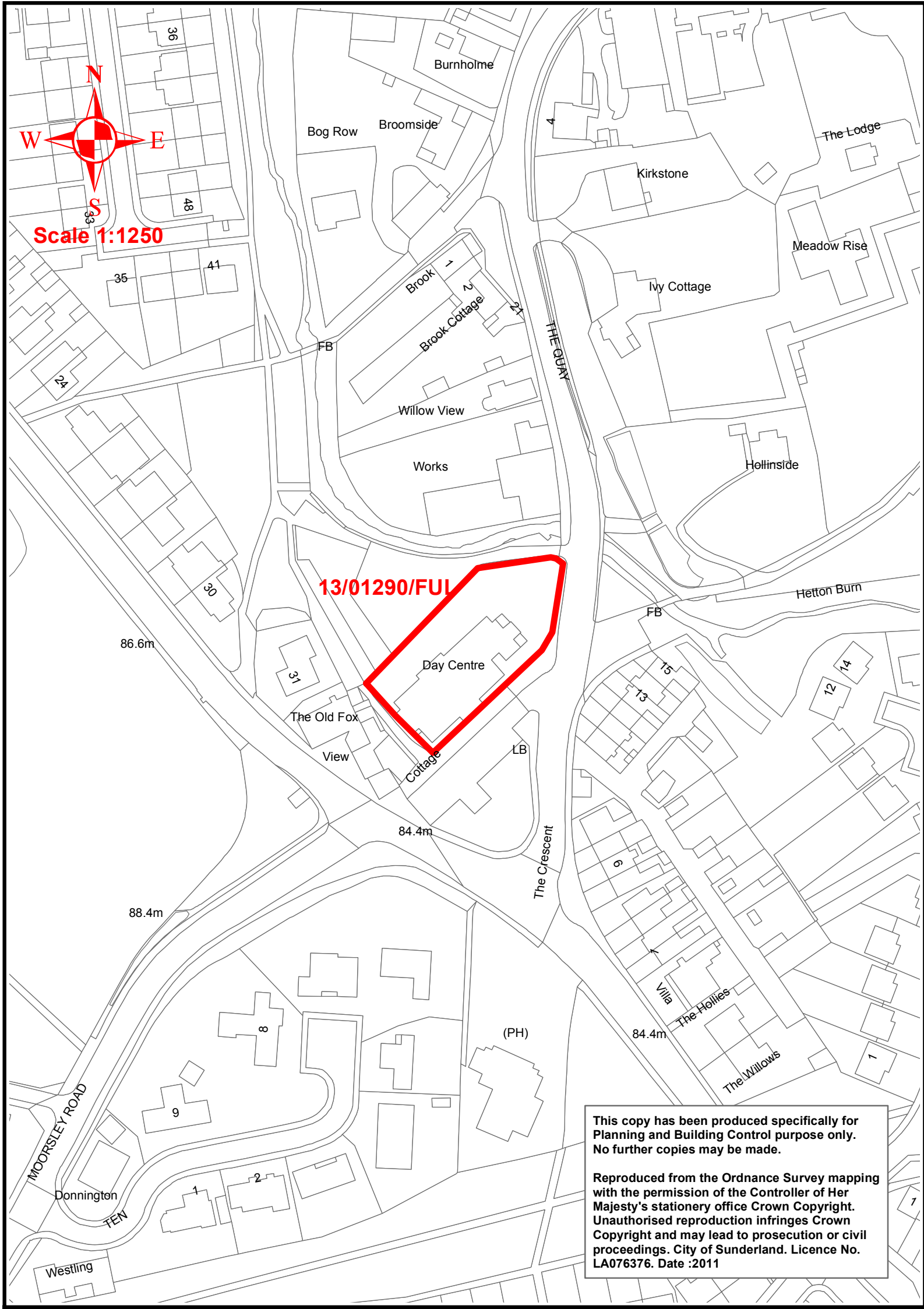
Conditions:

- 1 The development to which this permission relates must be begun not later than three years beginning with the date on which permission is granted, as required by section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, to ensure that the development is carried out within a reasonable period of time.
- 2 Unless otherwise first agreed in writing with the Local Planning Authority, the development hereby granted permission shall be carried out in full accordance with the following approved plans:
 - Location plan received 09.07.2014
 - Site plan received 09.07.2014
 - Ground and first floor layout plans as existing received 25.07.2014
 - Ground and first floor layout plans as proposed received 25.07.2014

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



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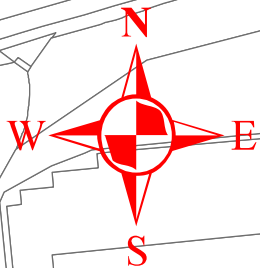


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13/02265/OUT

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Scale 1:2500

Biddick Burn

Depot

14/00983/FUL

48.4m

Factory

Factory

Warehouse

Factory

Warehouse

Factory

Path

Dismantled Railway

Sycamore

Orin

St Georges Vicarage

Rowan Avenue

Pinewood Avenue

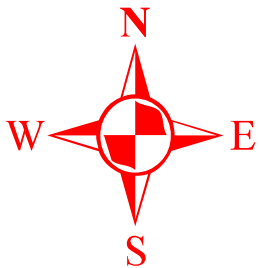
Cedar Terrace

Hazelwood Gardens

Crescent

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Scale 1:2500

14/01285/LAP

Penshaw Wood

Path (um)

Path (um)

Track

Quarry

Path (um)

Penshaw Hill



129.4m

Penshaw Monument
Monument

110.6m

Track

Path (um)

House

105.0m
Path (um)

94.5m

90.3m

86.7m

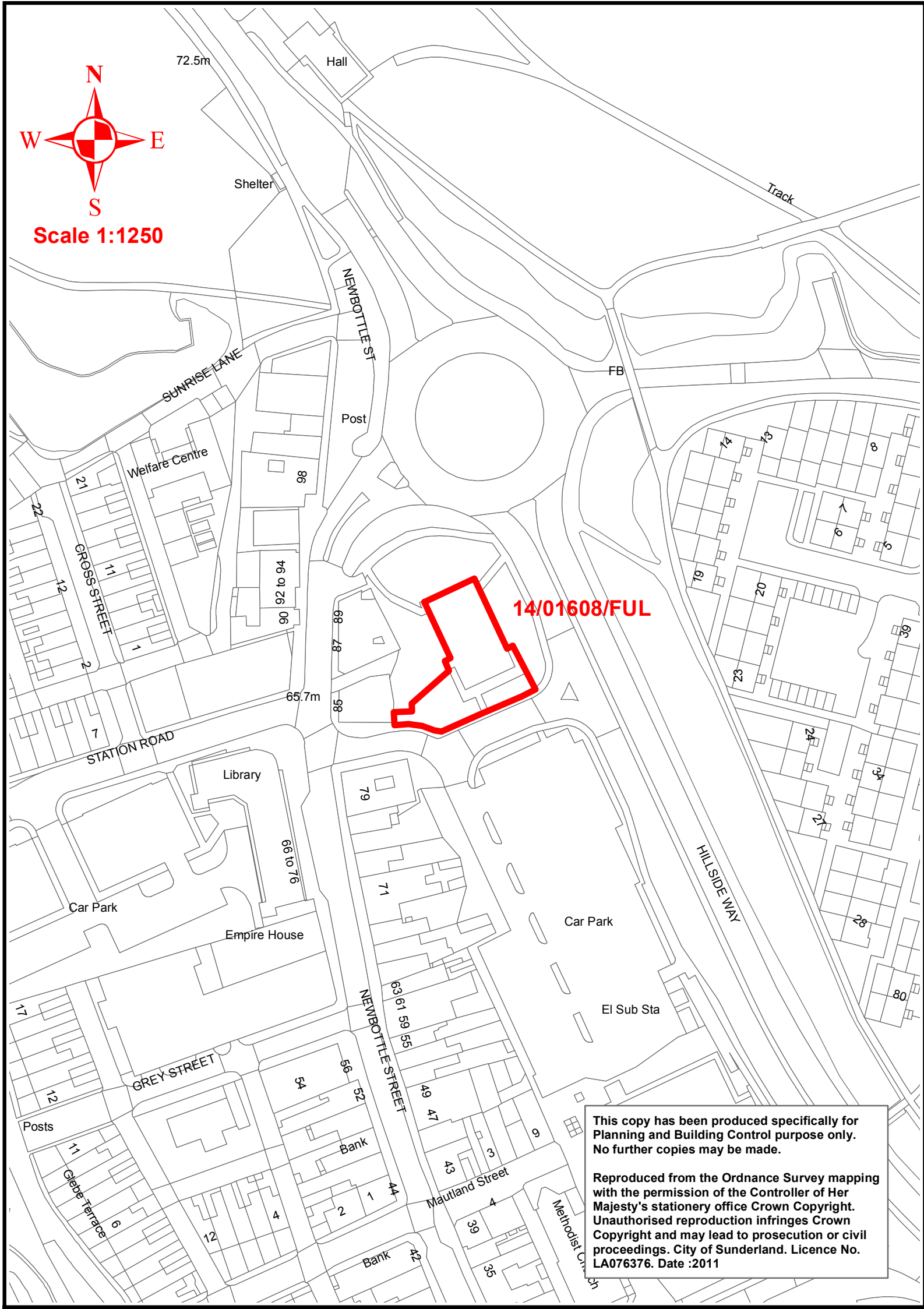
East Barnwell Farm
86.6m

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ITEMS FOR INFORMATION

LIST OF OTHER APPLICATIONS CURRENTLY ON HAND BUT NOT REPORTED ON THIS AGENDA WHICH WILL BE REPORTED WITH A RECOMMENDATION AT A FUTURE MEETING OF THE SUB COMMITTEE OR PLANNING AND HIGHWAYS COMMITTEE

| | APPLICATION NUMBER AND WARD | ADDRESS | APPLICANT/DESCRIPTION | DATE SITE VISIT REQUESTED | LAST ON AGENDA | COMMENTS |
|----|-----------------------------------|--|---|---------------------------------|-------------------|--|
| 1. | 14/00136/FUL Copt Hill | Land At Henry Street/Lindsay Street Hetton-le-Hole Houghton-le-Spring | Gleeson Developments Ltd. Demolition of Nos. 24 - 28 Eppleton Estate and erection of 69no. 2 and 3 bedroom dwellings with associated works. Stopping up of highway and change of use to residential. (Amended description 04.02.14) | N/A | N/A | Pending further consideration – no proposed Committee date at this stage |
| 2. | 13/00198/FUL Copt Hill | Land At Murton Lane/ South Of Firtree Lane Easington Lane Houghton-le-Spring | Persimmon Homes Erection of 42 dwellings with associated landscaping, infrastructure and car parking (revision of previously approved layout ref. 06/02209/FUL) | N/A | N/A | Pending Consideration |
| 3. | 14/01100/LO4 | Hetton Lyons Park Downs Pit Lane Hetton-le-Hole Houghton-le-Spring DH5 9NL | Springboard North East Demolition of existing community training facility and construction of new single storey community training | N/A | N/A | Pending Consideration |

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| | | | | | | |
|----|-------------------------------|---|--|-----|-----|-----------------------|
| | Hetton | | facility, incorporating classrooms, office, cafe, changing rooms, bicycle repair shop, equipment stores, minibuss garage, and ancillary accommodation, with associated landscape works. | | | |
| 4. | 14/01446/FUL Copt Hill | Barn/Garage to rear of 1-3 Doxford Avenue, Hetton-le-Hole | Mr P Ruddick Change of use to residential property with erection of single storey extension to western elevation and erection of a first floor extension above existing building. | N/A | N/A | Pending consideration |
| 5. | 14/01704/LP4 Hetton | Hetton School, North Road, Hetton-le-Hole | Miller Construction UK Ltd. Demolition of the existing school and redevelopment of the site to provide replacement school premises, parking, landscaping and sports facilities. | N/A | N/A | Pending consideration |

ITEMS FOR INFORMATION

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| | | | | | | |
|----|-------------------------------|---|--|-----|-----|--|
| 6. | 13/02770/LP4 Copt Hill | Former Hetton Branch Library Front Street Hetton-le-Hole Houghton-le-Spring | Tavistock House Day Nursery Ltd Change of use from boxing club (use class D2) to day nursery (use class D1), to include new rooflights to existing building, stopping up of highway to create new external play area with fencing, erection of detached binstore, detached container and additional new fencing. (Amended description 16.07.2014) | N/A | N/A | Discussions on-going in respect of parking/drop off arrangements |
| 7. | 14/01647/FUL Houghton | Land North Of Redburn Row Houghton-le-Spring | Persimmon Homes Erection of 70no. residential dwellings with associated infrastructure and landscaping. | N/A | N/A | Pending consideration |

ITEMS FOR INFORMATION

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| | | | | | | |
|----|--------------------------------|---|---|-----|-----|-----------------------|
| 8. | 14/01703/LP4 Shiney Row | Shiney Row Primary School South View Shiney Row Houghton-le-Spring | Miller Construction (UK) Ltd Demolition of the existing school and the redevelopment of the site to provide replacement school premises, parking, landscaping and sports facilities. | N/A | N/A | Pending consideration |
| 9. | 14/01804/OUT Houghton | Land South Of Redburn Road And Black Boy Road Chilton Moor | Mr John Bailey Outline application for residential development of Sites A & B consisting of 27 no. dwellings - approval sought for layout, scale & access. | N/A | N/A | Pending consideration |

ITEMS FOR INFORMATION

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| | | | | | | |
|-----|---|---|---|-----|-----|-----------------------|
| 10. | 14/01589/FUL Washington North | Former London Inn Spout Lane Washington NE37 2AB | Galliford Try Partnerships North/Riverside Erection of an Extra Care Housing comprising the construction of 79 apartments for the elderly complete with communal lounge, restaurant, laundry, hair salon, parking and external secure garden. | N/A | N/A | Pending consideration |
|-----|---|---|---|-----|-----|-----------------------|

Appeals Received Hetton Houghton and Washington

Between 01/07/14 and 31/07/14

| Team | Ref No | Address | Description | Date Appeal Lodged |
|------|--------------|---|--|--------------------|
| HO | 14/00011/REF | Low House Penshaw Stables Penshaw Houg hton-le-Spring DH4 7LB | Siting of a mobile home for accommodation purposes. | 04/07/2014 |