

**DEVELOPMENT CONTROL (SOUTH SUNDERLAND)  
SUB-COMMITTEE**

**AGENDA**

**Meeting to be held in Committee Room No. 2 on Monday, 4<sup>th</sup>  
June, 2018 at 4.00p.m.**

ITEM	PAGE
1. <b>Receipt of Declarations of Interest (if any)</b>	
2. <b>Apologies for Absence</b>	
3. <b>Applications made under the Town and Country Planning Acts and Regulations made thereunder</b>	1
Report of the Executive Director of Economy and Place (copy herewith).	

**E. WAUGH,  
Head of Law & Governance.**

Civic Centre,  
SUNDERLAND.

24<sup>th</sup> May, 2018



# Item 3

## Development Control (South Sunderland) Sub-Committee

4th June 2018

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### REPORT ON APPLICATIONS

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#### REPORT BY THE EXECUTIVE DIRECTOR OF ECONOMY AND PLACE

##### PURPOSE OF REPORT

This report includes recommendations on all applications other than those that are delegated to the Executive Director of Economy and Place 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. 17/01761/FUL  
Sunderland Church High School Mowbray Road Sunderland SR2 8HY
2. 17/01844/FUL  
34 Thornhill Gardens Sunderland SR2 7LE
3. 17/02278/FU4  
Southmoor Academy Ryhope Road Sunderland SR2 7TF
4. 18/00424/FUL  
7 Hillcrest Sunderland SR3 3TN
5. 18/00470/LP3  
Land Adjacent 46 And 53 The Crescent New Silksworth Sunderland

##### 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 Chairperson or the Development Control Manager (0191 561 8755) or email [dc@sunderland.gov.uk](mailto: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 2015.

## **LOCAL GOVERNMENT ACT 1972 – ACCESS TO INFORMATION**

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

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

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

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

Peter McIntyre

Executive Director Economy and Place

**Proposal:** Demolition of existing canteen and food technology block, erection of a extra care facility (Use Class C2) comprising of 55no apartments with associated landscaping (removal of trees) and car park.

**Ward:** Hendon  
**Applicant:** Your Life Management Services Ltd  
**Date Valid:** 11 September 2017  
**Target Date:** 11 December 2017

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## **PROPOSAL:**

### **BACKGROUND**

At the extraordinary meeting of the Development Control (South) Sub Committee held on 28 March 2018, Members resolved to defer the application in order to see whether Officers could secure any design improvements to the submitted scheme. Whilst the application was recommended for approval, Members were of the opinion that a scheme of better appearance could be delivered, particularly in light of the site's location within the Ashbrooke Conservation Area, on land that adjoins the visually prominent and impressive Grade 2 Listed Langham Tower.

It is also noteworthy that Historic England had advised that they considered the scheme in its originally submitted form to be potentially harmful to the significance of the conservation area, due to the buildings lack of relationship to its context and visual impact. Additionally, it should be noted that Sport England confirmed that they have no objections to the proposal.

### **FURTHER CONSIDERATIONS SINCE LAST MEETING**

In response to the above, a number of revisions have been made to the elevations of the building to better respond to the character of the surrounding area. These changes have also been made to enable the LPA to present the scheme more favourably to Members in the context of the previous report and the response from Historic England.

Due to the nature of the end use of the building as “extra care” style accommodation, the overall design and massing of the building remains the same and as such the design revisions are therefore focused on the architectural appearance of the building, and principally the appearance of the elevations. These revisions have been made response to the assessment of the design made within the original committee report (appended) and further recommendations which have been made during discussions with Officers. The design changes which have been made reference the “Arts and Crafts” style architecture of the remaining villas and original traditional terraces in the surrounding area and include:

- A more prominent double store front entrance feature, constructed from natural stone;
- Addition of significant areas of render throughout the building to break up the massing;
- Addition of timber cladding detailing to the gable ends and a number of dormers;
- Removal of triple-height bays from the building;
- Additional Juliet balconies added south west and south east elevations; and
- Addition of artstone window surrounds;
- Additional brick string course detailing;
- Decorative ridge tiles added to selected areas of the roof;

The revisions are also intended to reinforce the variations in the height of the development and to help emphasise set-backs that have been incorporated into the design, in order to create the impression of linked villas, particularly along the frontage to Gray Road.

The overall effect of these revisions is a more “Arts and Crafts” influenced traditional design approach, which responds to the architecture and character of Langham Tower and other nearby Arts and Crafts houses along Gray Road. Although the development still remains large and bulky in scale, it is now considered to be a better crafted and detailed scheme that makes a more positive architectural response to its surroundings.

With regards Historic England, Officers have discussed the revisions with them and a request has been made for them to provide further written observations. At the time of writing the report, these are still awaited and a further update in this respect will be made at the meeting. In any event, Members must be mindful of the fact that even if Historic England still do raise concerns, it is ultimately up to the LPA to take a holistic view of the proposals and to make a pragmatic decision as to whether these give rise to any harm, whilst also considering any potential benefits that the

proposal may bring. At the last meeting, Officers were of the view that the scheme would only have a marginally harmful impact on the settings and significance of the Listed Buildings and the character and appearance of this part of Ashbrooke Conservation Area. However, when taking into consideration the public benefits that the proposals would bring it was, on balance, considered to be acceptable with regards paragraph 134 of the NPPF, which states:-

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Clearly a number of improvements have now been made to the scheme and Officers are now of the view that these will result in the development having a neutral to marginally positive impact on the settings of the listed buildings and character and significance of the Ashbrooke Conservation Area. It still remains imperative that high quality materials will have to be used; in particular the main elevations and roofing materials, and windows and doors. In these respects the materials must respond to the established historic character of its surroundings, using natural slate for the roofs (at least the outward facing publicly visible roof planes), a good quality traditional looking brick and an appropriate type of natural stone for the entrance feature. Timber framed windows would be preferred, but samples of alternative material such as aluminium may be also be considered.

In line with the above, should Members now be minded to approve the application, samples of all external materials would be required for the approval of the Conservation Team, who have suggested that at least 3 sample options for the bricks and stonework should be provided for consideration. Sample panels of the agreed bricks and stones, fully bedded and pointed would then also be required for further approval on site. Additionally, full details of the windows and doors in the form of 1:10 scale drawings and cross-sectional details would also be required, along with a window sample / sample section, for prior approval.

It is also noteworthy that since the last report, a further application has been submitted for the adjoining St Cuthbert's House site (another part of the former Sunderland High School site, (app ref no 18/00485/FDC)) which proposes the demolition of some unattractive modern buildings to its rear, that are in close proximity to the northern edge of this extra-care scheme site. The removal of these unattractive buildings will help provide more "breathing space" between St Cuthbert's House, Carlton House and this proposal, much to the benefit of the overall setting of the historic group.

This, combined with the design improvements described above are considered to result in the scheme having an overall marginally positive impact on the conservation area and the settings of Langham Tower and Carlton House, on the proviso that high quality and contextually appropriate external materials for the new building, boundary treatments and landscaping are used.

## **CONCLUSION**

The proposed revised scheme for the development of an extra care home within the former grounds of Langham Tower and Carlton House is considered (when balancing its imposing scale and massing against its architectural design improvements), to have a neutral to marginally positive impact on the settings of the listed buildings and character and significance of the Ashbrooke Conservation Area, subject to the utilisation of high quality external materials. In view of the improved design of the scheme it is no longer considered by the Local Planning Authority to be contrary to NPPF paragraphs 131 and 137, and together with its demonstrable public benefits, the proposal is considered to be acceptable and appropriate within its environs. As such, Members are recommended to APPROVE the application, subject to the draft conditions set out at the end of the report.

**RECOMMENDATION – APPROVE** subject to draft conditions at end of report

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**ORIGINAL REPORT FROM EXTRAORDINARY DEVELOPMENT CONTROL (SOUTH) SUB  
COMMITTEE HELD ON 28 MARCH 2018**  
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**PROPOSAL:**

The proposal being considered is for the demolition of the existing canteen and food technology block and erection of a 55 no. bedroom extra care facility at the former site of Sunderland Church High School, a prominent site situated off Ryhope Road / Mowbray Road in the Ashbrooke Conservation Area, approximately 0.6 miles from the city centre and 10 minutes' walk from Park Lane Bus and Metro Interchange. The school itself closed in 2016 following a fall in enrolment numbers.

The wider 1.38ha campus comprises 5 buildings and sports pitches. The two most notable of these are the highly impressive and prominent Grade ii listed Langham Tower, built in the 1890s and Carlton House, a Grade ii listed Tudor styled Villa, dating back to 1850. These, along with St Cuthberts House (unlisted) are located immediately to the north of the application site and are not subject of this application.

As well as involving the demolition of the canteen / food technology block (built in the 1950s), in order to accommodate the facility, the proposal will involve the removal of the sports pitches which were associated with the school. This area will then be used to accommodate the requisite car parking provision for the scheme. Currently, this southern portion of the wider campus is enclosed by stone walling approximately 2 metres in height. In order to create a new, independent access by which to access the facility, an opening will have to be formed by removing sections of this wall. Within the site, a further stone wall will also have to be removed in its entirety to accommodate the development. Historically, this section of wall would have formed one of the original boundaries between the back garden of Carlton House and St Cuthbert's House and as such, requires Listed Building Consent to remove. Accordingly, a separate application, 17/02110/LBC has also been submitted alongside this application for consideration.

In addition to the above, a significant number of trees are situated around the site, primarily along the boundaries and also within the site, in particular along the common boundary between the main school grounds and the canteen building, where a long central row of sycamore and lime stand. In total 19 trees are identified for removal. Initial landscaping proposals do however show that the majority of trees are to be retained and a sympathetic landscaping scheme has been devised that incorporates and supplements the existing vegetation.

In terms of the development itself, the proposal will provide approximately 5,500 Sq m of extra care accommodation across 4 floors, comprising of 55 no. self-contained apartments, linked by corridors accessed from a secure entrance. Communal facilities in the form of a bistro / resident's lounge, function room, guest suite, laundry and refuse room are located at the heart of the extra care scheme, all accessible without residents having to leave the building. In addition to having to meet these functional requirements, the proposal also has to respond positively to the surrounding site context, which as explained above, includes its sensitive relationship with some significant buildings within a Conservation Area.



The planning submission comprises a suite of information including the following:-

- o Plans, including visualisations
- o Planning and Heritage Statement
- o Design, Access and Sustainability Statement;
- o Ecological / Tree Reports
- o Geo-Environmental Reports
- o Viability Assessment
- o Lighting Assessment
- o Archaeological Assessment
- o Statement of Community Involvement;
- o Flood Risk Assessment;
- o Housing Needs Report;

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

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

Press Notice Advertised

Site Notice Posted

Neighbour Notifications

#### **CONSULTEES:**

English Heritage

Hendon - Ward Councillor Consultation

Network Management

Environmental Health

Tyne and Wear Archaeology Officer

Fire Prevention Officer

Southern Area Command - Police

Flood and Coastal Group Engineer

Northumbrian Water

Sport England

Final Date for Receipt of Representations: **30.03.2018**

#### **REPRESENTATIONS:**

##### **Public Consultation**

##### **Pre-Submission**

A public exhibition was held at the nearby Bethany City Church on 06 June 2017. Invitations were distributed to over 1000 households, businesses and stakeholders in the immediate vicinity. 31 individuals visited the event, who were encouraged to submit feedback. Overall, feedback showed 91% support for the proposal with 9% against. Of the concerns raised these mainly related to the proposed impact of the development on the surrounding landscape. Local residents said they were keen for the site to respect its surrounding heritage and maintain the visibility of

Langham Tower. Concerns were also raised about parking congestion that could possibly occur on surrounding roads as a result of relatives paying visits to the development.

#### Post Submission

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

#### Consultees

With regards Statutory consultees, the following comments / observations were received:-

##### Historic England

Considered the scheme in its originally submitted form to be potentially harmful to the significance of the conservation area, due to the buildings lack of relationship to its context and visual impact. The applicant has discussed this further with Historic England and subsequently prepared the Heritage Impact Assessment and Visualisations which accompany the application. Whilst the applicant advises that these documents do not change the view of Historic England, further work has been undertaken on the application which results in the Local Planning Authority being of the view that the proposal is acceptable and is discussed in detail in the "Design / Impact upon Listed Buildings and Conservation Area" section below.

Historic England has requested that should there be any further changes to the scheme, then they should be contacted. A response from them in this respect is awaited, which will be reported in due course. In the meantime, it is worth noting that whether or not the proposals change the view expressed by Historic England to date, ultimately the decision to determine the application rests with the Local Planning Authority, who have to make a balanced judgement based upon all of the relevant policies and guidelines.

##### County Archaeologist

Has advised that the site is of potential archaeological interest. A prehistoric cist (stone lined grave) burial was apparently found at Langham Tower in the 1920s along with prehistoric flint tools. There is therefore a possibility that further prehistoric remains may exist on the site, although the construction of modern buildings on the site is likely to have caused disturbance. As such an Archaeological watching brief is recommended in case further prehistoric remains exist. In addition, the stone wall within the site will need to be recorded prior to its removal.

##### Northumbrian Water

Have no objections to make, provided the proposal is undertaken in accordance with the Flood Risk Assessment which forms part of the application.

##### Sport England

As the site will involve the removal / loss of playing courts / pitches (associated with the now defunct school) Sport England have accordingly been consulted. A response has yet to be received in this respect and an update will be provided.

#### POLICIES:

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

B2 - Scale, massing layout and setting of new developments  
 B4 - Development within conservation areas  
 B6 - Measures to preserve and enhance conservation areas  
 B10 - Development affecting the setting of listed buildings  
 B11 - Measures to protect the archaeological heritage of Sunderland (general)  
 B12 - Preservation of scheduled ancient monuments  
 B13 - Sites and monuments of local importance affected by development  
 B14 - Development in areas of potential archaeological importance  
 CN17 - Tree Preservation Orders and replacement of trees  
 CN22 - Developments affecting protected wildlife species and habitats  
 EN10 - Proposals for unallocated sites to be compatible with the neighbourhood  
 EN12 - Conflicts between new development and flood risk / water resources  
 EN14 - Development on unstable or contaminated land or land at risk from landfill/mine gas  
 T14 - Accessibility of new developments, need to avoid congestion and safety problems arising  
 T22 - Parking standards in new developments

## **COMMENTS:**

In determining this application, the key issues to consider are:-

- o Habitat Regulations Assessment (HRA)
- o Principle of Development
- o Design / Impact upon Listed Buildings and Conservation Area
- o Archaeology
- o Residential amenity.
- o Highways and car parking.
- o Ecology / Trees / Wildlife
- o Flood Risk and Surface Water Drainage
- o Land Contamination.
- o Loss of Playing Pitches / Courts
- o Planning Obligations.

## **Habitat Regulations Assessment (HRA).**

The United Kingdom is bound by the terms of the Council Directive 79/409/EEC on the Conservation of Wild Birds (the Birds Directive) and the Council Directive 92/42/EEC on the conservation of natural habitats and wild flora and fauna (the Habitats Directive). These are implemented in the UK through the Conservation regulations which provide for the protection of areas of European importance for wildlife, in the form of Special Areas of Conservation (SAC's) designated under the Habitats Directive, and Special Protection Areas (SPA's) designated under the Birds Directive. Collectively, these are termed European sites, and overall network of European sites is termed Natura 2000. It is an offence under the legislation and regulations to carry out an act which may damage a qualifying species or habitat for which the site is designated. A Habitat Regulation Assessment (HRA) is the mechanism to be implemented to ensure the above legislation is complied with and determines whether a plan or project would adversely affect the integrity of any European site in terms of its conservation objectives. Where adverse effects are identified alternative solutions should be identified and the plan or project modified to avoid any adverse effects. The LPA, as the Competent Authority, can adopt the plan or approve the project only after having ascertained that it will not adversely affect the integrity of a European

Site. Policy CN19 of the UDP requires the protection of designated and proposed European and Ramsar sites and accordingly, a HRA Screening Opinion accompanies the application. The information submitted concludes that as there are a number of substantial parks and recreational spaces closer to application site than the European Sites (which are at their closed 1.8KM away) it is more likely that any new residents will be attracted to these, in part due to the elderly nature of the residents and as such, there will be no significant impact. On this basis, the proposals can be screened out from proceeding to full Appropriate Assessment under the Habitats Regulations.

### **Principle of Development.**

On a national level, Paragraph 17 of the NPPF sets out 12 core planning principles which "should underpin both plan-making and decision-taking." These principles, amongst other things, include the need for the planning system to:

- o Be a creative exercise that seeks to enhance and improve the places in which people live and not simply be about scrutiny;
- o Be a proactive driver of sustainable economic development, so as to deliver the home, business, industry and infrastructure that are needed;
- o Secure high quality design and a good standard of amenity;
- o Be aware of the different roles and a character of different areas and promote the vitality of our main urban areas;
- o Encourage the effective use of previously developed land that is not of high environmental value;
- o Promote mixed use developments; and
- o Focus significant developments in locations which are, or can be made sustainable.

From a local perspective, the site of the High School is not allocated for any specific land use in the Unitary Development Plan (UDP) and as such, 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. Therefore, proposals for development in such areas must be compatible with the principle use of the neighbourhood. Also, from a housing-specific perspective, local policies H1 and H4 are of particular relevance. These seek to secure the re-use of vacant and derelict land wherever possible by permitting developments which reflect the density and character of the area. . To conclude in very general terms therefore, the re-use of the land for residential purposes in a predominantly residential area is indeed acceptable in principle.

### **Design / Impact upon Listed Buildings and Conservation Area.**

Whilst the principal of the development is acceptable, due regard also has to be paid to the fact that the site is located within Ashbrooke Conservation Area and is of particularly high heritage significance and sensitivity, being located within a very distinctive and characteristic part of Ashbrooke Conservation Area, and within the settings of 2 Listed Buildings. The most significant of these is the architecturally flamboyant and visually prominent Langham Tower, the Arts and Crafts style of which is clearly influenced by Norman Shaw's Cragside. Carlton House is the other listed building in a more restrained domestic Jacobethan style, but unusual in its local historic context, its style and appearance quite unlike any other building in the Conservation Area. Both of these Villas were originally set within large landscaped grounds that were curtailed by 20th developments and more recently multi-use games courts for the High School. The other key heritage asset adjacent the site is St Cuthbert's Hall, unlisted but an attractive building that makes a positive contribution to the conservation area. Langham Tower, Carlton House and St

Cuthbert's Hall have been sold to a private developer who is developing proposals to convert and return these key assets into beneficial use.

The proposed development site takes in the southern parts of the original gardens to the three buildings. It is imperative therefore that the development respects the settings of these heritage assets, especially key views of the Listed Buildings and achieves a design quality that responds to both the historic importance of the site and its surroundings, and the form, scale and massing, and architectural qualities of surrounding heritage assets. It should also be noted that whilst the gym / technology building which is to be demolished in order to facilitate the building is reasonably attractive, it has been substantially altered and makes a generally neutral contribution to the conservation area. There is therefore no objection to its demolition.

With regard the new building, consideration has to be given to the following NPPF paragraphs, which specifically relate to conservation areas / built heritage and are therefore applicable in the consideration of the application:-

131. In determining planning applications, local planning authorities should take account of the desirability of new developments, making a positive contribution to local character and distinctiveness.
132. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.
134. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
137. Local planning authorities should look for opportunities for new development within Conservation Areas and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.

In addition, on a local level, UDP policies B4, B6 and B10 of the UDP also have to be considered, due to the location of the site. These (in part) state:-

- B4 All development within and adjacent to conservation areas will be required to preserve or enhance their character or appearance. To this end the council will issue planning/design guidance for the various areas from time to time.
- B6 the council will preserve and enhance the character or appearance of conservation areas; measures will include:-
- (i) encouraging the retention of existing buildings and the improvement of features, open spaces, historic street patterns and plot boundaries;
  - (ii) (encouraging the retention of existing mature trees;
  - (v) giving special attention to the preservation of important views into and out of the area;
- B10 the city council will seek to ensure that development proposals in the vicinity of listed buildings do not adversely affect their character or setting.

In accordance with B4 above, the City Council have produced Supplementary Planning Guidance in the form of The Ashbrooke Conservation Area Character Study. This is a material consideration when considering applications for development in the conservation area. The main Policy therein for consideration in determining this proposal is Policy ASH4, which (in part) states:

All forms of new development should:-

- o Preserve and reinforce the distinctive pattern of historic development, including street patterns, open spaces, plot boundaries and boundary treatments.
- o Preserve and reinforce the distinctive landscape character of the area. Any new landscaping should be designed as an integral part of the overall development, providing an attractive setting for the new buildings whilst also respecting the existing landscape.
- o Relate well to its specific site, taking into account the physical constraints, such as the positioning of trees. The building(s) should sit within the site in a sensitive and elegant way.
- o Maintain key views and vistas within, into and out of the conservation area.
- o Preserve the landscape setting of key Ashbrooke villas and terraces and other buildings of historic importance.
- o Reinforce the distinctive architectural character of the conservation area through an informed understanding of distinctive building forms and styles, features and materials. Pastiche forms of development and the superficial echoing of historic features in new buildings should be avoided
- o Reinforce the scale and massing of surrounding buildings. Terraced housing is the main building type in Ashbrooke and generally 2-3 storeys high. It is essential that new development is not out-of-scale with existing buildings by way of its height, floor levels, size of windows and doors and overall bulk.
- o Reinforce existing building lines and the orientation of existing development. The predominance of terraces in Ashbrooke gives a strong alignment of building frontages and this should be respected by new development.

In appraising the proposals the location of the building to the eastern half of the site is considered as being appropriate, as this will enable key views of Langham Tower in particular but also the principal south facing elevation of Carlton House to be largely maintained from Ryhope Road and the western end of Gray Road.

A building as prestigious as Langham Tower should ideally be set within good sized attractive gardens, as it originally did, so it is disappointing that the opportunity to reinstate its historic grounds has been prevented by the way in which the plots have been subdivided and sold. Nevertheless, the manner in which the proposed car park to the rear of the listed building has been landscape designed helps to frame views of Langham Tower and give something of an impression of an extension to its current garden. This is arguably an enhancement of the previous multi-use games court, however taking the overall bulk of the proposed care home development and associated car parking within the immediate setting of such a prominent and distinctive listed building, it is considered to have a minor harmful impact on the significance of Langham Tower.

Despite being less prominent in views to and across the site Carlton House's principal frontage is, like many Villas in Ashbrooke, south facing into the site. The Listed Building and the character and appearance of the conservation area would therefore also have benefited from the reinstatement of a large garden to Carlton House. However, it is accepted that this would have rendered the application site undevelopable and the positioning of the care home block directly to the rear of Carlton House but towards Gray Road leaves a reasonably large landscaped garden area between the new block and the rear garden of the listed building. The construction of the development does unfortunately require the loss of a section of Carlton House's original stone boundary wall; although on balance, the harm that this would cause to the setting of the Listed Building is only minor, in view that its historic curtilage has not been particularly legible since the games courts were built and will be further curtailed by the development. Furthermore, the stone pillar will also be re-built to ensure this entrance feature is conserved and the stone from the demolished section will be salvaged and used elsewhere in the site (see more detailed comments for 17/02110/LBC). Overall the impact on the setting of Carlton House is therefore considered to be also of minor harm to its significance.

The land to the rear of St Cuthbert's Hall is less sensitive and has more potential for a substantial amount of new development. The siting of the main block of the care home in this location is therefore considered on balance to be the least intrusive option. A linear north-south block in this part of the site also responds to the historic terraces to the east, and more specifically Mowbray Close opposite.

The overall scale and massing of the care home has always raised concerns that the development could have an overbearing impact on the setting of the two listed buildings and conservation area. This concern is difficult to wholly mitigate due to the sheer bulk of the block, and it is the primary reason why the development is considered to have a minor harmful impact, rather than enhancing the conservation area. It is however acknowledged that design efforts have been made to break up the massing of the development, especially along the Gray Road frontage where the variation of building heights and setting back of building lines should help to give the impression of a three linked villas, rather than a continuous residential block, in order to reflect the character of the south side of Gray Road that is defined by large villas.

Architecturally, the design of the building is, on the whole, plain and uninspiring; it suffers from being largely designed from the inside out, trying to make the elevations fit the internal layout. Intervention by Officers has resulted in revisions to the proportions and alignment of windows and doors, which have given it a more traditional pattern of fenestration. This, along with the introduction of more balanced projecting pitched front facing gables have improved the buildings appearance to a point where it will now sit reasonably comfortably within this part of the conservation area. Notwithstanding this however, the general lack of architectural interest, design nuances and well-crafted detailing in such a traditional design approach, does not result in a well-designed and articulated scheme that enhances the conservation area.

In view of the relative plainness of the architecture it is imperative that high quality materials are used, in particular the main elevations and roofing materials, and windows and doors. These must respect and relate to the materials that are evident in the established historic character of the surroundings; using natural slate for the roofs (at least the outward facing publicly visible roof planes), a good quality traditional looking brick and timber framed windows and doors. It would be preferable to use natural stone for the ground floors and projecting bays, or at least natural stone cladding. The images presented so far of the proposed artificial stone are not convincing. As such, samples of all external materials will be required for the approval of the conservation team, it is suggested that at least 3 sample options for the bricks and stones be provided for consideration. Sample panels of the agreed bricks and stones fully bedded and pointed will then also be required for approval on site. Full details of the windows and doors in the form of 1.10

scale drawings and section details will be required, along with a window sample or sample section of window, for approval.

In terms of the landscaping scheme, this is generally considered to be of good quality and will provide a pleasant and attractive setting for the development, with some benefits to the settings of Langham Tower and Carlton House through increased soft landscaping to the rear of the Listed Buildings when compared to the existing games courts. The loss of several mature trees from the boundary between Carlton House and St Cuthbert's Hall to accommodate the development is highly regrettable; although this is mitigated with the introduction of new tree planting is recognised. Full details of the boundary treatments and landscaping scheme will also be required, including elevation and section details of boundary walls and railings and samples of all hard surfacing materials.

The Heritage Impact Assessment submitted in support of the application concludes that the development will have a negligible or minor adverse impact upon the significance of Langham Tower, Carlton House and Ashbrooke Conservation Area. This is considered to be a generally accurate summary, and equates to less than substantial harm under the provisions of the NPPF.

The proposal does not therefore support the provisions of NPPF paragraph 132 which seeks to ensure new development makes a positive contribution to local character and distinctiveness, or paragraph 137 that considers where development occurs in conservation areas and within the settings of listed buildings, it should enhance or better reveals their significance.

The application therefore is required under NPPF paragraph 134 to demonstrate there are sufficient public benefits that outweigh the harm caused to the conservation area and settings of the listed buildings. To this end, the applicant has provided a detailed description of the benefits arising, namely that the proposal:-

- o Delivers much needed specialist accommodation to meet current and projected shortfalls in the provision of suitable accommodation for the frail elderly.
- o Contributes to the creation of mixed communities where elderly residents are well integrated into the local community.
- o Reintroduces residential uses into an area in which commercial and institutional uses have eroded the residential character of the area and the sense of community.
- o Frees up more typical residential housing stock to the wider market, thus contributing indirectly to the availability of housing more generally.
- o Contributes to the vitality and vibrancy of the local area through increased activity with the majority of residents typically not having privately owned cars.
- o Contributes to the viability of local businesses. (typically residents will do their shopping within a one mile radius with 80% using local shops almost daily or often).
- o Provides work to approximately 60 local companies (typically) during construction, with an average cost of £2.44 million invested during the development of previous schemes.
- o Employs an equivalent of 14 full-time members of staff as well as approximately 9 part-time, based on experience from existing schemes.
- o Contributes positively to the regeneration of this area, following the closure of the Church High School.
- o Provides a sustainable form of development in a highly accessible location.

On balance, therefore, it is considered that the range of economic, social and environmental benefits presented in the application warrant sufficient public benefit to outweigh the less than substantial harm of the proposal, and thereby satisfy the requirements of Paragraph 134 of the NPPF. For completeness, Historic England has been asked to comment further on the submission and as yet, a response is awaited. This will be reported on further in due course. As



explained earlier in the report, whether or not the view expressed by Historic England to date changes, it must be remembered that ultimately, the decision to determine the application rests with the Local Planning Authority, who has to make a balanced judgement based upon all of the relevant policies and guidelines.

To summarise the Local Planning Authority's view on the design and impact upon the Listed Buildings and Conservation Area, the applicants have produced sufficient information, including amongst other documents, a Heritage Impact Assessment, together with a series of photo-realistic visualisations, which provide helpful "before and after" views from key viewpoints around the site. As such, having been able to fully assess the proposal and the context within which it sits, it is considered that the scheme will only have a marginally harmful impact on the settings and significance of the Listed Buildings and character and appearance of this part of Ashbrooke Conservation Area. However, provided high quality and contextually appropriate external materials for the new building, boundary treatments and landscaping are used, then in view of the demonstrable public benefits of the scheme, the proposals are, on balance, considered to be acceptable and in accordance with all of the aforementioned policies.

### **Archaeology.**

Policies B11, B12, B13 and B14 of the UDP all relate to archaeology with B14 stating that:

"Where development proposals affect sites of known or potential archaeological importance, the city council will require an Archaeological Assessment/Evaluation to be submitted as part of the planning application. Planning permission will not be granted without adequate assessment of the nature, extent and significance of the remains present and the degree to which the proposed development is likely to affect them."

In this particular instance, given the constraints of the site, the County Archaeologist has recommended that an Archaeological watching brief is undertaken along with a requirement that the stone wall within the site will need to be recorded prior to its removal. Such matters will satisfactorily resolve archaeological matters and can be secured via the imposition of conditions, should Members be minded to approve the proposals.

### **Residential Amenity.**

Policy B2 of the UDP dictates that the scale, massing, setting and layout of new developments should respect and enhance the best qualities of nearby properties and the locality and retain acceptable levels of privacy. As an expansion of the requirements of UDP policy B2, the Council has produced the Residential Design Guide Supplementary Planning Document (SPD), which sets out the relevant spacing standards and design criteria. In terms of the inter-relationship between the site and surrounding properties, section 10 sets out the specified standards, which would require a 26 metre separation distance at 3 storey level between main facing windows, increasing to 31 metres for 4 storeys, unless it can be demonstrated that a reduced standard is acceptable. In this instance, the closest properties are those on Mowbray Close, some 24-25 metres away. Given that the proposed building is considered to be 3.5 storey (with rooms in the roofspace) the required standard is not met. However, in this instance the proposal is considered to be acceptable, as demonstrated on the submitted visualisations, the high boundary walls in this location, and existing and proposed tree planting along the site boundary, will help to break-up any views between windows and maintain an acceptable level of amenity.

## **Ecology / Trees / Wildlife**

The NPPF states that developments should aim to conserve or enhance biodiversity and encourages opportunities to incorporate biodiversity in and around developments. On a local level, Policy CN22 of the UDP seeks to protect animal or plant species afforded special protection by law and due to the proximity of surrounding listed buildings and protected trees. Policy CN17 of the UDP encourages the retention of trees. Accordingly, the application is accompanied by a suite of ecological reports, including a full Arboricultural Impact Assessment and the necessary survey information for the wildlife which is present. A range of mitigation and enhancement measures are recommended, such as:-

- o Inclusion of plants and shrubs of benefit to wildlife such as flowering, nectar rich or fruit bearing species.
- o Hedgehog domes, bat and bird boxes to be installed within the site boundary to account for the loss of sheltering opportunities for these species and will also provide enhancement.
- o Any lighting scheme proposed will avoid unnecessary light spill onto garden areas and boundaries,
- o Logs from tree works could be retained and placed within shrubbery post development to provide dead wood habitat for invertebrates and other wildlife.

Having been assessed by Council Ecologists, the proposals on a whole, (whilst recommending the removal of a number of trees) are considered on balance to provide a commensurate range of mitigation and enhancement measures, provided appropriately worded conditions are imposed in respect of the following, should Members be minded to approve the application:-

- o Tree protection measures during construction to be agreed
- o Protection measures for breeding birds during construction to be agreed
- o A landscape and management plan to be agreed
- o A lighting design strategy for biodiversity, in light of the installation of bird, bat and mammal boxes to be agreed

## **Highways and Car Parking.**

UDP Policy T14 aims to ensure that new developments are easily accessible to both vehicles and pedestrians, should not cause traffic problems, should make appropriate provision for safe access by vehicles and pedestrians and indicate how parking requirements will be met.

The proposal provides 36 parking spaces accessed via a new entrance to be formed via Gray Road. As the proposed 55 apartments are to be occupied by the elderly, it is considered unlikely that a significant proportion would be car owners and that the car park will mainly be used by staff and visitors. As such, the parking arrangements are considered to be acceptable in this instance and in accordance with policy T14.

## **Flood Risk and Surface Water Drainage.**

Paragraphs 99-104 of the NPPF sets out detailed policy requirements in relation to flood risk, whilst paragraph 103 specifically sets out the requirements for site specific flood risk assessments for proposals of greater than 1ha in Flood Zone 1. UDP Policy EN12 is relevant to the consideration of this proposal in terms of the potential impact upon flooding and water quality.

Policy EN12 states that:

"In assessing proposals for development (including change of use), the Council in conjunction with the Environment Agency and other interested parties, will seek to ensure that the proposal would:

1. Not be likely to impede materially the flow of water, or increase the risk of flooding elsewhere, or increase the number of people or properties at risk from flooding; and
2. Not adversely affect the quality or availability of ground or surface water, including rivers and other waters, or adversely affect fisheries or other water based wildlife habitats.

Policy EN12 is considered to be broadly compliant with the NPPF with an emphasis firmly placed upon ensuring developments follow the site specific flood risk assessment procedure.

Accordingly, the application is accompanied by a flood risk assessment and drainage strategy, which demonstrates that the development is not at significant risk to flooding. It recommends that external areas should fall away from the building to provide protection from flooding and that permeable paving be used which will lead to underground storage for 137 cubic metres of water. These details are acceptable to both Northumbrian Water and the Lead Local Flood Authority and can be secured via an appropriately worded condition, should Members be minded to approve the application.

### **Land Contamination.**

Policy EN14 of the UDP relates to the ground conditions and states in part that:

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

- (i) unstable or potentially unstable
- (ii) contaminated or potentially at risk from migrating contaminants;
- (iii) potentially at risk from migrating landfill gas or mine."

Accordingly, a Ground Investigation and Phase 1 Desktop Study have been provided with the application in order to address these matters.

Whilst a response has yet to be received from Environmental Health in respect of these reports, it is considered unlikely that there will be any ground conditions of significant concern, as historic records show the site has only been used as gardens and recreational space, with the exception of a small pond area that was infilled in 1897. As such, it is recommended that the standard suite of conditions relating to ground conditions and contamination be imposed, should Members be minded to approve the application.

### **Loss of Playing Pitches / Courts.**

In addition to the above national and local planning policies, and by virtue of a statutory instrument made in 1996, Sport England is a statutory consultee on proposals for development which affect playing fields, land used for playing fields at any time in the last five years which remains undeveloped, or land which is identified for use as a playing field in a development plan. Whilst at the pre-application stage Sport England advised that they had no concerns over the principle of development, their formal view on the planning application to this effect is still awaited.

### **CONCLUSION.**

Having fully considered the proposals, the Local Planning Authority has worked with the applicant to secure a number of improvements to the scheme, which result in it only having a minor harmful

impact upon the significance of Langham Tower and character and appearance of this part of Ashbrooke Conservation Area. Furthermore, provided high quality and contextually appropriate external materials are used, then in view of the demonstrable public benefits of the scheme, the proposals are, on balance, considered to be acceptable and in accordance with all of the aforementioned policies, including the requirements of paragraph 134 of the NPPF. As such, it is therefore recommended that if a response from Sport England has still not been received at the time of the meeting, then Members should be minded to delegate the application back to the Executive Director of Economy and Place for approval, subject to the imposition of the draft conditions as set out below.

#### Equality Act 2010 - 149 Public Sector Equality Duty.

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

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

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

The LPA is committed to:

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

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

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

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

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

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

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

**RECOMMENDATION: APPROVE** subject to the imposition of the draft conditions as set out 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 approved plans and documentation, including recommendations therein, 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 **CEMP Construction Environmental Management Plan**  
No development shall take place until a site specific Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. The plan should include, but not be limited to:
  - o Procedures for maintaining good public relations including complaint management, public consultation and liaison;
  - o Arrangements for liaison with the Council's Pollution Control Team;
  - o Mitigation measures as defined in BS 5528: Parts 1 and 2: 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works;
  - o Hours of construction, including deliveries;
  - o Control measures for dust and other air-borne pollutants;
  - o Measures for controlling the use of site lighting whether required for safe working or for security purposes;
  - o Erection and maintenance of security hoarding;
  - o Operation, loading and unloading of plant and materials;
  - o Storage of plant and materials used in constructing the development.

Once approved, the plan shall be fully adhered to thereafter, in the interests of the satisfactory management of the site and to comply with policies B2, EN1 and T14 of the Unitary Development Plan.

- 4 Notwithstanding any indication of materials which may have been given in the application, the development shall not commence above damp proof-course level until a full schedule and samples of the materials and finishes to be used in all external surfaces, including, bricks, stone, slates, render, windows and doors, rainwater goods, and hard and soft landscaping materials have been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, these details shall include precise details of the windows and doors in the form of 1:10 scale drawings including cross-section details and window sample or sample section of window, for approval. Thereafter, the development shall not be carried out other than in accordance with the approved details; in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.
- 5 Once the materials pursuant to condition 4 have been approved in writing by the Local Planning Authority, sample panels of the agreed bricks and stones fully bedded and pointed shall then be constructed on site and approved in writing by the Local Planning Authority, prior to the commencement of any works. Thereafter, the development shall not be carried out other than in accordance with the approved details; in the interests of achieving a satisfactory form of development and to comply with policies B2 and B4 of the Unitary Development Plan.
- 6 Notwithstanding any indication of materials which may have been given in the application, the development shall not commence above damp proof-course level until a drawing showing full elevational and sectional details of all boundary walls and railings throughout the site has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with these approved details; in the interests of achieving a satisfactory form of development and to comply with policies B2 and B4 of the Unitary Development Plan.
- 7 Prior to the commencement of any works (including demolition) to any boundary walls on site, a Method Statement from a reputable stone mason for part demolition of the boundary wall to Carlton House and the boundary wall to Gray Road, (including how walls will be carefully dismantled, stones salvaged and stored for reuse, the reconstruction of gate piers to Carlton House garden, and the construction of return walls for new entrance from Gray Road) shall be submitted to and approved in Writing by the Local Planning Authority. For the avoidance of doubt, these details shall include full details of where salvaged stone will be used in landscaping scheme, and details of mortar mix and finish of lime pointing to walls. Thereafter, the development shall not be carried out other than in accordance with the approved details In the interest of in the interests of achieving a satisfactory form of development and to comply with policies B2 and B4 of the Unitary Development Plan.
- 8 Once the details pursuant to condition 7 have been approved in writing by the Local Planning Authority, sample panels of the new return walls to Gray Road entrance, fully bedded and pointed, shall then be constructed on site and approved in writing by the Local Planning Authority, prior to the commencement of any works. Thereafter, the development

shall not be carried out other than in accordance with the approved details; in the interests of achieving a satisfactory form of development and to comply with policies B2 and B4 of the Unitary Development Plan.

- 9 No demolition of the stone boundary walls shall take place until a programme of archaeological building recording has been completed, in accordance with a specification provided by the Local Planning Authority. A report of the results shall be submitted to and approved in writing by the Local Planning Authority prior to any development or demolition work taking place, in order to provide an archive record of the historic building or structure and to accord with paragraph 141 of the NPPF, Draft Core Strategy Policies E4 and E5 and saved Unitary Development Plan Policies B11, B13 and B14.
- 10 No groundworks or development shall commence until the developer has appointed an archaeologist to undertake a programme of observations of groundworks to record items of interest and finds in accordance with a specification provided by the Local Planning Authority. The appointed archaeologist shall be present at relevant times during the undertaking of groundworks with a programme of visits to be agreed in writing by the Local Planning Authority prior to groundworks commencing, as the site is located within an area identified as being of potential archaeological interest. The observation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, and, if necessary, emergency salvage undertaken in accordance with paragraph 141 of the NPPF, Core Strategy Policy 7.11, Policy DM7.8, Policy DM7.11, Policy DM7.12 and saved Unitary Development Plan Policies B11, B13 and B14.
- 11 The building(s) shall not be occupied / brought into use until the report of the results of observations of the groundworks pursuant to condition (10) has been submitted to and approved in writing by the Local Planning Authority, due to the site being located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, to accord with paragraph 141 of the NPPF, Core Strategy Policy 7.11, Policy DM7.8, Policy DM7.11, Policy DM7.12 and saved Unitary Development Plan Policies B11, B13 and B14.
- 12 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping and treatment of hard surfaces. For the avoidance of doubt, this shall include;
  - o indications of all existing trees and hedgerows on the land;
  - o details for their protection during the course of development,
  - o details of the ongoing landscape management of the site; once the scheme is implementedin the interests of visual amenity and to ensure a satisfactory form of development is achieved and in order to accord with Policy CN17 of the Unitary Development Plan.
- 13 No removal of hedgerows, trees or shrubs or works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are

appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to and approved in writing by the Local Planning Authority, in order to ensure a satisfactory form of development is achieved and in order to accord with Policy CN17 of the Unitary Development Plan.

- 14 No development, demolition, earth moving shall take place or material or machinery brought onto the site until protective fencing and warning signs have been erected on site in accordance with the approved tree report . All protective fencing and warning signs will be maintained during the construction period in accordance with the approved details in order to ensure a satisfactory form of development is achieved in the interests of visual amenity and to comply with policy CN17 of the Unitary Development Plan.
- 15 Notwithstanding any approved documentation, where it is intended to create semi-natural habitats and undertake tree planting, all species used in the planting proposals shall be locally native species of local provenance unless otherwise agreed in writing with the Local Planning Authority, in order to ensure a satisfactory form of development is achieved in the interests of visual amenity and to comply with policy CN17 of the Unitary Development Plan.
- 16 Before the trees which are the subject of this application are pruned or felled, an arboricultural / ecological method statement setting out the works and providing details of the location, size and species of the replacement planting shall be submitted to and agreed with the Local Planning Authority along with a timescale for the replanting. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 "Tree Work", in the interests of visual amenity and to comply with policy CN17 of the Unitary Development Plan.
- 17 If any tree identified as being retained tree is removed, uprooted, destroyed or dies, another tree shall be planted at the same place and that tree shall be of such a size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority, in the interests of visual amenity and to comply with policy CN17 of the Unitary Development Plan.
- 18 All other planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the buildings or the completion of the development whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation, in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.
- 19 Prior to occupation, a "lighting design strategy for biodiversity" in light of the installation of bird, bat and mammal boxes shall be submitted to and approved in writing by the Local Planning Authority, in order to ensure a satisfactory form of development is achieved and in order to accord with Policy CN17 of the Unitary Development Plan.



- 20 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 21 to number 23 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 23 has been complied with in relation to that contamination.

Reason:

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.

- 21 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, ground waters 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.'

Reason:

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.

- 22 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.

Reason:

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

- 23 The remediation scheme approved under Condition number 22 (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.

Reason:

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

- 24 In the event that contamination is found at any time when carrying out the confirmed 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 21 (Investigation and Risk Assessment), and when remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition number 22 (Submission of Scheme of Remediation), 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

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.

Reason:

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.

- 25 The development shall not commence above Damp-Proof Course Level until final details of the foul and surface water drainage have been submitted to and approved by the Local Planning Authority. For the avoidance of doubt, these details shall include the final details of the geocellular storage as it is to be constructed and to match detailed modelling, in

accordance with the approved details to ensure satisfactory drainage to the site and to comply with policy B24 of the Unitary Development Plan.

- 26 The area indicated on the submitted plans for the parking and manoeuvring of vehicles shall be laid out in accordance with the approved plans before the building becomes operational. The area shall then be readily available for such use at all times thereafter and shall be used for no other purpose, in the interests of highway safety and to comply with policy T14 of the Unitary Development Plan.
- 27 Before the development, hereby permitted, is commenced a plan showing the provision of adequate facilities for the storage / / servicing / collection of refuse within the site shall be submitted to and approved by the Local Planning Authority, and shall be so installed and maintained thereafter in order to ensure a satisfactory form of development and to comply with policy EN1 of the UDP.
- 28 Notwithstanding the provisions of the current Town and Country Planning (General Permitted Development) Order, or in any statutory instrument revoking or re-enacting that Order, no satellite antenna shall be installed on the buildings or within the curtilage of the site 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 B4 of the Unitary Development Plan.

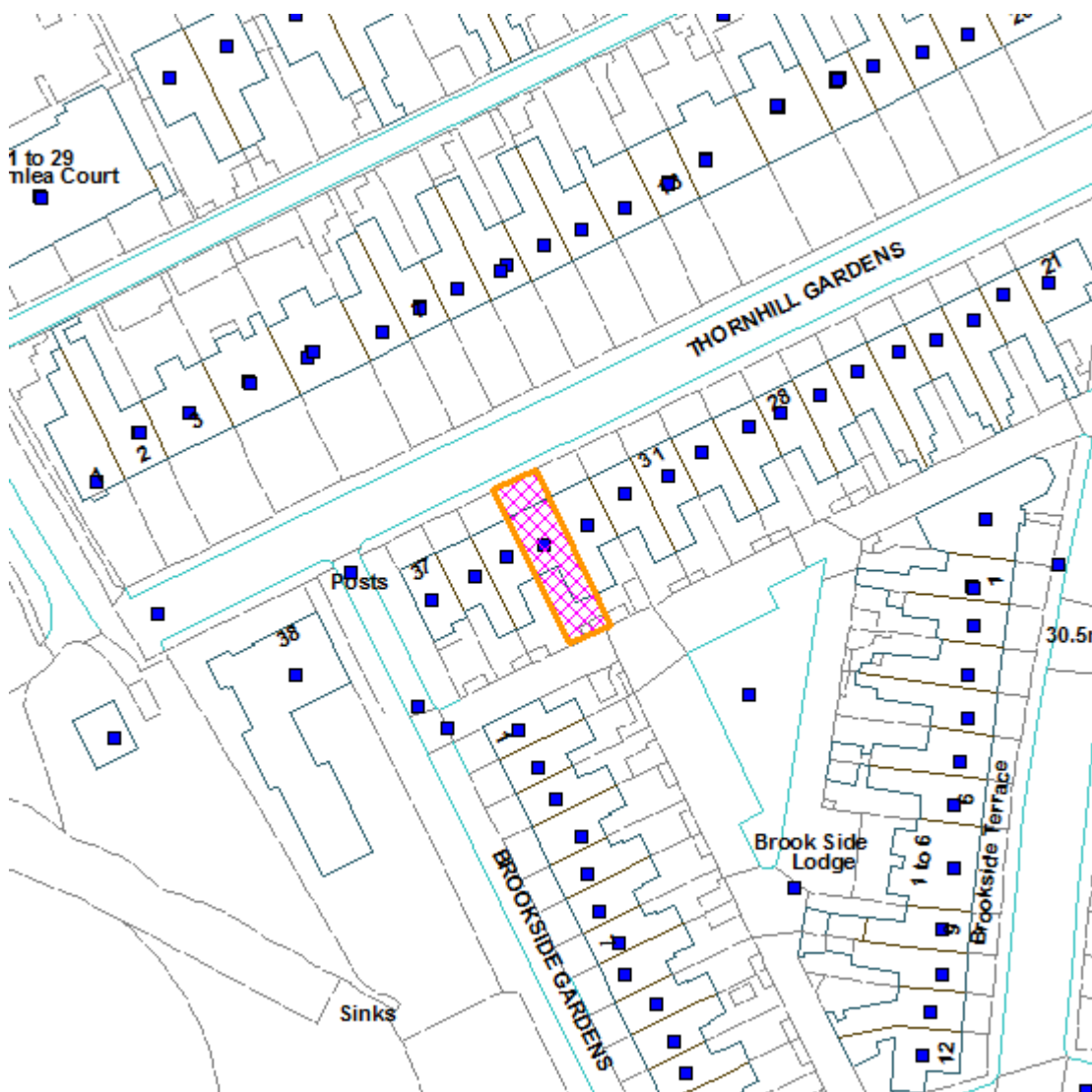
**Reference No.:** 17/01844/FUL Full Application

**Proposal:** Change of use from residential dwelling (use class C3) to a residential care unit (use class C2) comprising 3 flats and 2 studio apartments with staff facilities and external works to include new railings and gate to front of property, staircase from ground level to basement, and installation of a bay window and entrance to basement. (amended details received 17/1/18)

**Location:** 34 Thornhill Gardens Sunderland SR2 7LE

**Ward:** St Michaels  
**Applicant:** Falcon Housing Association  
**Date Valid:** 18 September 2017  
**Target Date:** 13 November 2017

### Location Plan



## **PROPOSAL:**

### **APPLICATION SITE**

The application site is a mid-terraced property situated within a cul de sac off Tunstall Road. It has two full storeys, rooms in the attic space served by original dormer windows, and basement accommodation accessed from street level to the rear due to the difference in ground levels, providing 4 floors of accommodation overall. It has a part two and part four storey offshoot to the rear, a rear yard and a small garden to the front with steps leading up to the front entrance.

The site lies within a terrace of similar properties in a short street which has a terrace of larger properties over the road. At the end of the street is a villa which has been converted to apartments and the street is terminated by Thornhill School. The application site and the surrounding properties lie within the Ashbrooke Conservation Area.

### **PROPOSAL**

The application relates to the change of use of the property from a single dwelling house (use class C3) to a residential care unit (use class C2) comprising 3 flats and 2 studio apartments with staff facilities and external works to include new railings and gate to the front of the property. The proposal originally included the excavation of the front garden to create a lightwell to facilitate the installation of a bay window and entrance to the basement, with an external staircase leading up from the basement to ground level. The scheme has since been amended to omit this part of the proposal.

The property will provide accommodation for assisted independent living for 5 individuals moving on from a communal and institutional living environment. The scheme will provide personal independent living space for the tenants as well as communal areas and staff facilities to provide support and social interaction when needed. The scheme will provide accommodation for as long as the residents need whilst they develop their skills to move to full independent living in the long term.

### **BACKGROUND**

Members will be aware that the application was presented to the meeting of the Development Control (South) Area Sub-Committee held on 26 April 2018 when it was resolved to defer the determination of the application pending a Members site visit. This will have been carried out on 31st May 2018, after the preparation of this report.

Concern was expressed at the meeting regarding the level of accommodation afforded by the rooms within the attic space and the limited outdoor amenity space within the application site. These concerns were brought to the attention of the agent, particularly with regard to the attic rooms to provide an opportunity to amend the proposal further. However, the agent has confirmed that the applicant requests the proposal to be considered in its current form. The recommended decision on the application therefore remains unchanged for the reasons detailed below.

### **TYPE OF PUBLICITY:**

Press Notice Advertised

## **CONSULTEES:**

St Michaels - Ward Councillor Consultation  
Network Management  
Environmental Health

Final Date for Receipt of Representations: **01.02.2018**

## **REPRESENTATIONS:**

### Neighbour representations

In total 33 letters of representation raising concerns about the proposal have been received from occupiers of neighbouring properties, 17 in response to the original submission and 16 in response to the amended scheme.

The objectors' main concerns relate to;

- The excavation of the garden to extend the basement being out of keeping with the character of the conservation area,
- The excavation of the garden having the potential to cause issues of drainage and undermining of adjoining properties,
- The excavation of the garden adversely impacting upon two street trees to the front of the property, possibly leading to their loss,
- Construction works will cause disruption for local residents,
- The proposal will lead to an increase in demand for parking in the already busy streets in the vicinity of the site,
- The proposed use would be out of keeping with the established character of the area,
- The proposed basement and attic accommodation will provide inadequate space and facilities,
- There is a lack of outdoor amenity space for the residents,
- Staff sleeping quarters are inadequate,
- The proposal represents an over-intensive use of the property,
- There is little information in respect of the background and nature of the residents to be accommodated,
- The professional credentials of the operator are questioned,
- The development will not provide adequate accommodation for the wellbeing of the residents, but puts profit first,

### Councillor representations

Two letters of representation have been received from local ward Members. The main concerns echo those of the residents and cover most of the points made above.

### Streetscene

The Arboricultural Officer expressed concerns about the impact of the excavation works upon the health and stability of the street trees.

### Network Management

The Network Management team has raised no objections to the proposal.

## Built Heritage

The Built Heritage Protection team has raised no objections to the proposal.

## Public Protection and Regulatory Services

The Public Protection and Regulatory Services team has raised no objections to the proposal.

## **POLICIES:**

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

B2 - Scale, massing layout and setting of new developments

B4 - Development within conservation areas

B6 - Measures to preserve and enhance conservation areas

H17 - Nursing and rest homes to respect amenity / established local character

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

T22 - Parking standards in new developments

## **COMMENTS:**

### RELEVANT POLICY BACKGROUND

The National Planning Policy Framework (NPPF) provides the current Government's national planning policy guidance and development plans must be produced, and planning applications determined, with regard to it. The NPPF sets out a series of 12 'core planning principles' which underpin plan-making and decision-taking and are considered to contribute to the over-arching aim of delivering sustainable development. Particularly relevant in this case are the principles that development should always seek to secure a high quality design and a good standard of amenity, should encourage the effective re-use of land and property, should deliver the homes the country needs and should seek to maintain the significance of built heritage assets.

Paragraph 50 of the NPPF, meanwhile, requires Local Planning Authorities to deliver a wide choice of homes and accommodation, taking into account the needs of different groups in the community.

The relevant guidance of the NPPF detailed above feeds into policies EN10, B2, B4, B6, H17, T14 and T22 of the City Council's adopted Unitary Development Plan (1998), which are considered to be pertinent to the determination of this application.

Policy EN10 of the UDP requires new development proposals to respect the existing pattern of land use in areas where there is no specific land use allocation. Policy H17, meanwhile, states that the provision of residential accommodation for people in need of care will normally be approved provided it is not detrimental to general amenity and the established character of the locality. Proposals must also demonstrate how parking and servicing requirements will be met.

Also relevant are policies B2, which requires new development proposals to maintain an acceptable standard of visual and residential amenity, and T14 and T22, which aim 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 and cycling provision requirements will be met.

Given that the proposal is located within a Conservation Area, policies B4 and B6 of the UDP are applicable. In this regard, policies B4 and B6 aim to preserve or enhance the character or appearance of the Conservation Area.

In addition, further guidance on proposals of this nature is provided by the Council's 'Development Control Guidelines' Supplementary Planning Guidance (SPG).

## ISSUES TO CONSIDER

With regard to the above policy framework, it is evident that the main issues to consider in determining the application are:

1. the principle of the proposal;
2. the impact of the proposal on the character and amenity of the locality;
3. the built heritage implications of the proposed development;
4. the implications of the proposal in respect of highway and pedestrian safety.

### 1. Principle of proposal

The proposed use of the premises is residential in nature and the building is located within an area which is primarily residential in character and so, in broad terms, the proposal does not conflict with the established pattern of land use in the neighbourhood or raise any new land-use implications. The proposal consequently accords with UDP policy EN10's requirements in this regard.

This conclusion does not, however, establish that the proposed use of the building is appropriate, rather it is considered to be broadly compatible with the established pattern of land use in the area. In order to reach a conclusion on this matter, regard must firstly be given to the more detailed planning considerations raised by the proposed development and this exercise is carried out below.

### 2. Impact of use on character and amenity of locality

As noted above, policy H17 of the Council's adopted Unitary Development Plan (1998) states that the provision of nursing homes and other residential accommodation for people in need of care by the construction of new buildings and the conversion of large units in their own grounds will normally be approved provided they are not detrimental to general amenity and the established character of the locality. Proposals must also demonstrate how parking and servicing requirements will be met.

The supporting text to the policy and the more detailed advice provided by section 5 of the Council's adopted 'Development Control Guidelines' Supplementary Planning Guidance (SPG) states that the provision of such facilities in residential terraces can lead to a deterioration of amenity, through vehicle servicing, parking and other activities. The conversion of large units in their own grounds is therefore suggested as being more appropriate. The SPG also seeks to ensure that residents of such facilities are afforded a good standard of amenity, with garden areas provided for external recreation and rooms offering reasonable levels of outlook.

In addition to the above, policy B2 of the UDP requires new development proposals to maintain an acceptable standard of visual and residential amenity.



In terms of the character of the area, the application premises are located within a residential terrace in a relatively quiet street within an attractive suburb to the south of the City Centre. The terraces provide a mix of single family homes and properties that have been converted into flats/apartments, including the immediately adjacent property at no. 35 Thornhill Gardens. Although the area is overridingly residential in nature, the character of the area is therefore one of a mixture of residential accommodation ranging from large family homes to small single floor apartments.

It is considered, therefore, that the proposed use of the building would not necessarily be out of keeping with the character of the locality and its surroundings given the location of the subject property and the range of types of residential accommodation in evidence in adjacent properties and nearby. Furthermore, the intensity of the proposed use of the building is in keeping with other similarly divided properties nearby, with no more than 5 residents occupying a large, four storey building; as such, it is considered that this intensity of use would not be incompatible with the prevailing character and nature of the area. The proposed change of use is thus considered to broadly comply with the aims and objectives of policy H17 of the UDP.

The objections submitted in respect of the application have raised concerns in relation to the quality of the care and accommodation offered, particularly with respect to the basement flat and the studio apartments in the attic room. The professional credentials of the proposed operator and the manner in which the residents will be cared for and managed are not material considerations and cannot be considered in the context of the planning application; these will be governed separately by legislation relating to adult health and social care.

With respect to the accommodation proposed, the agent and applicant have been able to provide further information regarding the reasons behind the design and organisation of the facility. Each unit of accommodation has been designed and located within the building with a particular service user in mind and has been designed to suit their particular needs.

Whilst the studio apartments would appear to provide limited space and facilities compared to the level of accommodation that would normally be expected for single person accommodation, this has been designed specifically for individuals that are waiting to leave an institutional background where they currently reside in a single room in an institutional ward facility. The studio apartments would therefore represent an upgrade in independent/personal space and is sufficient provision for their needs at this current time. It is considered that a condition could be attached to an approval that would restrict the use of the building for the specific purpose proposed to ensure that, should circumstances materially change, the internal layout can then be reassessed in the context of the new proposal.

Staff will be available at all times to provide help and support when needed. Some individuals will be more independent than others and the staff will provide instruction and guidance as well as limited care when necessary. The ground, first and attic floor apartments will have a good level of outlook from the main habitable rooms. The basement apartment will have more limited outlook into the rear yard, however the communal areas, which offer good levels of outlook, will be available for the residents at all times to provide additional accommodation so that the residents are not restricted to their own apartments.

Outdoor amenity space is provided by the small garden to the front and the yard to the rear, which will be occupied by staff vehicles. Ideally, a reasonable garden area should be provided for external recreation. In this case, as described above, the facility is designed to provide a next step to independence for residents that will be moving on from single room institutional accommodation, with a view to moving to full independence in the long term. The residents will be adults so it is considered that external play space is not a necessity and the level of occupation is

of a low intensity. Given that the outdoor space is commensurate with other properties in the street that are divided into multiple flats with potentially a higher level of occupancy, it is considered that, in this case, the proposal would not merit a refusal for this reason alone.

The objections submitted in respect of the application have raised concern in relation to the potential impact of the proposed use of the property on the amenity of the locality, particularly in respect of possible anti-social behaviour. In this regard, as a broad principle, the planning system is concerned with the use and development of land and buildings and not the identity and background of any particular occupiers of any existing or proposed buildings.

Any fears or concerns which may be held have to be attributable to the proposed use of the land or building and inherent to the nature of the proposed use. Where fears or concerns primarily relate to the potential behaviour of occupiers of a building, they must have some sound reasonable or evidential basis. In this case, there is no evidence to suggest that the prospective residents of the property are any more likely to engage in anti-social behaviour than any other member of society. In the event that such problems do arise, these would be more appropriately handled/addressed by other agencies (e.g. the police).

In summary, it is considered that the proposed use of the premises will not be significantly at odds with the character of a suburban locality which features a range of types of residential accommodation. Furthermore, it is considered that the low intensity of the proposed use means that nearby residential properties are not anticipated to experience levels of noise and disturbance which would cause unacceptable harm to their living conditions. The proposed use is therefore considered to accord the requirements of policies H17 and B2 of the UDP in this regard.

In terms of the standard of accommodation to be provided to prospective occupiers of the accommodation, as detailed previously, the accommodation is of a low intensity and occupiers will consequently be afforded acceptable levels of private space for their needs. The property would also afford a range of communal facilities, with some, albeit limited external amenity space. The building is therefore considered to provide acceptable standards of living to residents, in accordance with the objectives of section 5 of the 'Development Control Guidelines' SPG.

### 3. Built heritage implications of the proposed development

The application site is not a listed building but is situated within the Ashbrooke Conservation Area. Paragraph 131 of the National Planning Policy Framework (NPPF) sets out that, 'in determining planning applications, local planning authorities should take account of:

- o the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- o the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- o the desirability of new development making a positive contribution to local character and distinctiveness'.

In addition, paragraph 132 of the NPPF states that, 'when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification'.

Paragraph 137 of the NPPF goes on to advise that LPAs 'should look for opportunities for new development within Conservation Areas and World Heritage Sites and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably'.

Policies B4 and B6 seek to preserve or enhance the character or appearance of conservation areas by, amongst other means, encouraging the retention of existing buildings and the improvement of features, open spaces, historic street patterns and plot boundaries.

The works required to facilitate the change of use would be undertaken within the shell of the existing building. As the excavation of the front garden has been omitted from the proposal, the external alterations are limited to general renovation works including; the reinstatement of ceramic tiles and iron railings to the front, repair and refurbishment of the existing timber sliding sash windows and casements, repair works to the roofs as necessary, rainwater goods to be repaired or replaced as necessary. Additionally, the bay window to the rear basement level will have double doors built in to the existing reveal.

The Heritage Protection team has confirmed that overall the works represent the replacement of original features and the refurbishment of the building with matching materials, in a manner sympathetic to the original character of the property. Therefore the development would have no demonstrable impact on the significance of the host property or the character and appearance of the Conservation Area in this instance. Consequently it is considered that there would be no conflict with the provisions of the national and local policy outlined above.

#### 4. Impact of development on highway and pedestrian safety

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

In response to consultation, the Council's Network Management team has advised that the information supplied by the applicant would appear to be acceptable. Three car parking spaces are available within the rear yard, although these are tandem style. Additionally, a permit can be purchased for on-street parking on Thornhill Gardens, which the operator can also use for visitors. The residents will not own their own vehicles. With at least two members of staff at the premises at any one time, this is considered to be adequate facilities to accommodate the staff and visitor car parking demand.

Given the above, it is considered that the parking and access arrangements are satisfactory and the proposal therefore complies with the requirements of policies T14 and T22 of the UDP.

#### CONCLUSION

For the reasons set out above, it is considered that the proposed use of the property as a residential care unit is acceptable in relation to the character and amenity of the locality. In addition, the proposed facility will provide prospective residents with an appropriate standard of accommodation. The implications of the proposals in relation to parking and highway and pedestrian safety are also considered to be acceptable.

The proposed development is therefore considered to be compliant with the aims and objectives of policies H17, B2, B4, B6, T14 and T22 of the Council's adopted Unitary Development Plan, section 5 of the Council's Development Control Guidelines SPG and the core principles of the NPPF.

## EQUALITY ACT 2010 - 149 PUBLIC SECTOR EQUALITY DUTY

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

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

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

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

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

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

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

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

**RECOMMENDATION:** APPROVE, subject to conditions below:

## Conditions:

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

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

- location plan drawing number 955-SLP received 14/9/17,
- existing floor plans drawing number 955-01 received 14/9/17,
- existing elevations drawing number 955-02 received 14/9/17,
- proposed floor plans and front railing details drawing number 955-03 rev C received 17/1/18,
- proposed elevations drawing number 955-04 rev B received 17/1/18,
- front step railing detail received 22/1/18,

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 The rear yard area indicated on the submitted plans for the parking of vehicles shall be made available for such use prior to the commencement of the approved use of the building and shall be made available for the parking of vehicles at all times thereafter for the lifetime of the approved use, in the interests of highway safety and to comply with policies T14 and T22 of the UDP.

5 The use of this building shall be as a residential care unit for no more than 5 adult residents, and for no other purpose whatsoever including any other use within class C2 (residential institutions) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, without express planning consent from the Local Planning Authority first being obtained; in the interests of achieving a satisfactory standard of amenity for residents of the building and within the locality and to comply with the provisions of the NPPF and policy B2 of the adopted UDP.

3.

South  
Sunderland

**Reference No.:** 17/02278/FU4 Full Application (Reg 4)

**Proposal:** Erection of 8no. 15metre floodlights and 3metre mesh boundary fencing to create a new 4G pitch

**Location:** Southmoor Academy Ryhope Road Sunderland SR2 7TF

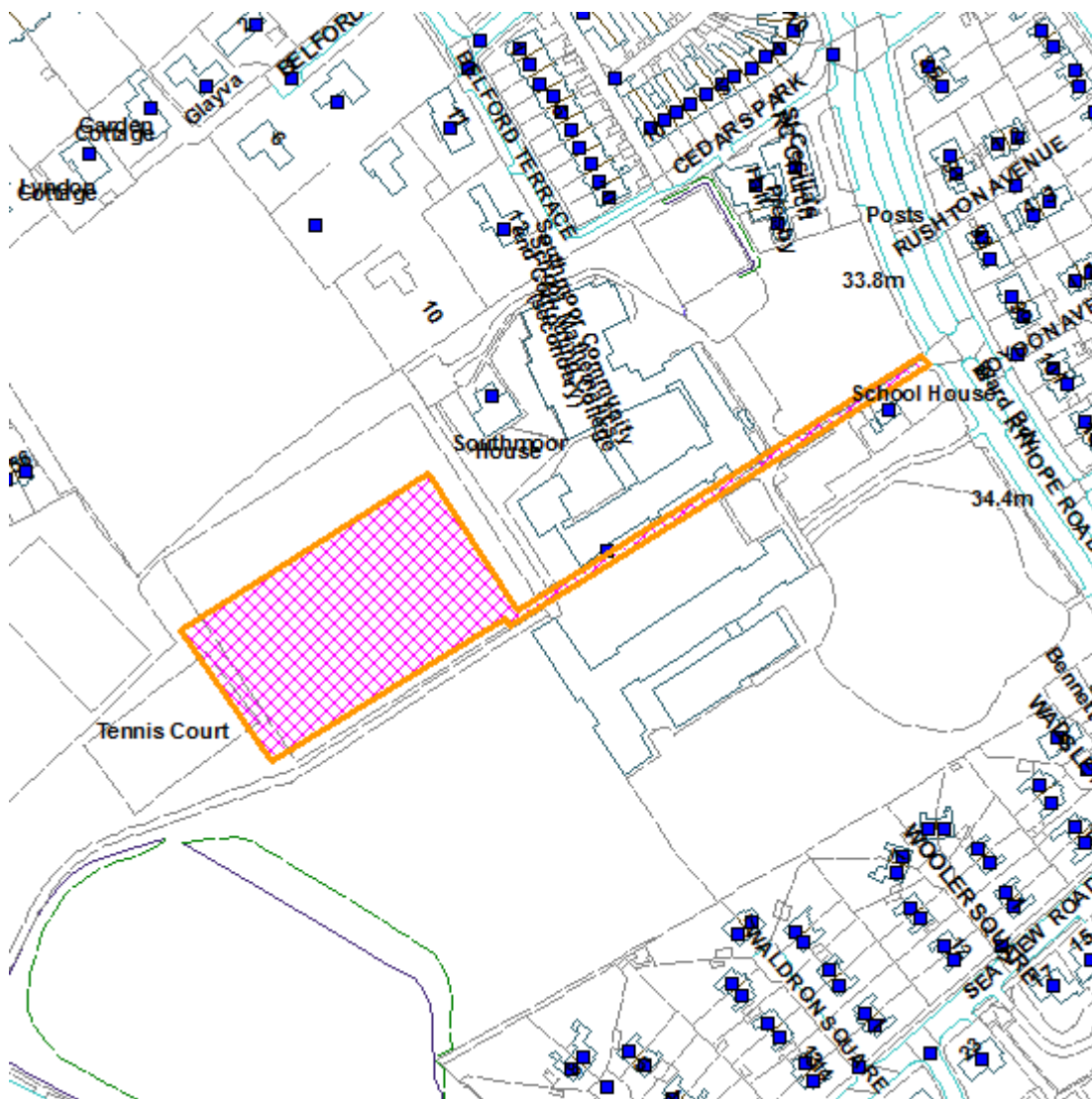
**Ward:** St Michaels

**Applicant:** Southmoor Academy

**Date Valid:** 22 December 2017

**Target Date:** 16 February 2018

### Location Plan



## **PROPOSAL:**

### **SITE DESCRIPTION**

The proposed development affects Southmoor Academy on Ryhope Road, Sunderland, SR2 7TF. The site has large extensive ground which fronts Ryhope Road and site on land between Ryhope Road and Queen Alexandra Road. The site accommodates landscaping and parking to the front and playing fields and extensive grounds to the side and rear.

### **PROPOSED DEVELOPMENT**

The proposal intends to erect a 4G Pitch on land to the rear of the school within the grounds which lies between a tennis court and an existing five-a-side pitch. The pitch would measure 100metres length by 64 metres width and incorporate 8 No. 15 metre high flood lights.

### **TYPE OF PUBLICITY:**

Site Notice Posted  
Neighbour Notifications

### **CONSULTEES:**

Environmental Health  
St Michaels - Ward Councillor Consultation  
Network Management  
Sport England  
Director Of Childrens Services

Final Date for Receipt of Representations: **07.02.2018**

### **REPRESENTATIONS:**

4 representations were received from 2 residents and 2 ward councillors, setting out the following issues:-

- Encroachment

LPA response:-

The use would not encroach onto any other than other than that owned by the Academy.

- Noise from use

LPA response:-

The hours of the pitch would be restricted to prevent noise late in the evening.

- Evening use of floodlights which will affect the landscape of property.

LPA response:-

Restriction on time for use of pitch and lights to be extinguished soon after.

- Increased litter

LPA response:-

Any increased litter should be reported to the Council's Environmental Health Team.

- Poor access, Traffic Generation

LPA response:-

There is only one vehicular access to the school from Ryhope Road and the Council's Network Management have offered no objections in this respect but commented that the preferred access would be from Ryhope Road.

- Visual amenity.

LPA response:-

The pitch replaces an existing pitch at a distance which would not be considered to lead to any visual amenity problems.

- Would it be possible to restrict the hours of the floodlights?

LPA response:-

The hours of operation of the floodlights will be restricted by a condition.

- Would it be possible to require access from Ryhope Road entrance and all associated parking accommodated within the school?

- Parking issues on Queen Alexandra Road

- Condition requested that users park within the grounds when using this facility.

LPA response:-

This cannot be conditioned as it is not enforceable.

## SPORT ENGLAND RESPONSE

Initially Sport England's response was with reference to a holding objection as the proposal could not be adequately assessed nor a substantive response given without:-

- details of the proposed sub-surface construction of the proposed AGP (to understand how it will drain and whether a World Rugby compliant shockpad will be installed)
- Details of the proposed surface of the AGP (ie carpet pile length and type of infill - this dictates which sports can use the pitch and for what type of play)
- Proposed pitch line markings (sports and age ranges) and details of goal recesses.
- Average maintained illuminance levels for the proposed floodlights

Further information was submitted and Sport England's commented that the on provision of additional detail of the floodlighting albeit not what was required and the applicant has however requested that Sport England encapsulates its additional information requirements into a planning condition since the school haven't yet commissioned any tenders for the facility. The idea was that they would first get the certainty of planning approval prior to sending out tenders for the construction and final markings on the pitch.

Such an approach wouldn't normally be acceptable to Sport England as it would not be possible to assess the value of the proposed facility against the value of the grass pitches that would be



lost. In this instance however, the proposed AGP is to be located on the site of an existing redgra pitch and therefore a more flexible approach is considered acceptable.

Sport England would be content to withdraw its holding objection subject to the imposition of the following condition;

No development shall commence until details of the construction, surfacing, means of enclosure, floodlighting and line marking of the proposed artificial grass pitch (AGP) have been submitted to and approved in writing by the Local Planning Authority [after consultation with Sport England]. The AGP shall not be constructed other than in accordance with the approved details.

Reason: To ensure the development is fit for purpose and sustainable and to accord with Development Plan Policy \*\*.

If you wish to amend the wording or use another mechanism in lieu of the above condition, please discuss the details with the undersigned. Sport England does not object to amendments to its recommended conditions, provided they achieve the same outcome and it is consulted on any amendments.

If this application is to be presented to a Planning Committee, Sport England would like to be notified in advance of the meeting date and the publication of any committee agendas and report(s). Sport England would also like to be notified of the outcome of the application through the receipt of a copy of the decision notice.

The absence of an objection to this application, in the context of the Town and Country Planning Act, cannot be taken as formal support or consent from Sport England or any National Governing Body of Sport to any related funding application, or as may be required by virtue of any pre-existing funding agreement.

## PUBLIC PROTECTION AND REGULATORY SERVICES

Public Protection and Regulatory Services considered that further information was required to enable full assessment of the application, particularly in respect of light and noise.

The proposed site is relatively close to existing residential premises which may be negatively impacted by noise and light as a result of the development.

It is acknowledged that a MUGA already exists on the site but the addition of floodlights indicates that the hours of use are likely to be increased. Noise levels may increase as a result from spectators, players and ball impact on the proposed fence.

Insufficient information was initially provided to demonstrate that the development will not give rise to complaints regarding noise from nearby residents and no hours of operation. It was therefore recommended a noise assessment was submitted, to determine whether the level of noise from all noise sources is likely to give rise to complaints from existing residents in the vicinity.

Subsequently a Noise Management Plan was submitted (dated 09.02.2018) and details that the development will allow a more extended use of the existing MUGA. It is the intention for the Academy to hire the pitch out on an evening and weekends, with intended times of operation of

Monday to Friday 09:00 - 15:00 by the Academy and then from 15:00 to 19:45 by private clubs.  
Saturday and Sunday 09:00 - 17:00 by private clubs.

Public Protection and Regulatory Services commented that these times would prevent any disturbance later at night when residents are more likely to be resting and these times be attached by way of condition to any consent granted.

With regard to the fence, the type of fence to be erected is rigid in nature and it is likely to cause less impact noise from a ball compared with a chain link type.

The academy has also pledged to monitor noise levels and actively manage bookings to prevent any excessively noisy users.

It is therefore recommended that the noise control strategies listed within the Noise Management Plan are conditioned to ensure future compliance with this document for the lifetime of the development.

## LIGHT

The Lighting specification initially failed to provide information to demonstrate how the lighting scheme may impact on the nearest residential properties and the estimated lighting levels trespassing onto surrounding properties should be provided so that the potential for lighting to cause nuisance can be assessed.

In addition, it they recommended that a condition requiring the floodlights to be turned off no later than 15 minutes after closing time should be attached to any consent.

Further information was submitted from the agent and Public Protection and Regulatory Services considered that the lighting assessment demonstrates that light from the new floodlights should not cause intrusive light at the nearest residential properties.

## POLICIES:

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

EN10, EN1, EN5, L7, B2 and T14

## COMMENTS:

### ISSUES TO CONSIDER

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

1. The principle of the proposed development;
2. The impact of the development on visual and residential amenity;
3. The impact of the development on highway and pedestrian safety;

1. Principle of development

The school and its grounds are not allocated for a specific land use by the proposals map of the City Council's adopted Unitary Development Plan (1998) and as such, policy EN10 therein is applicable. This states that where there is no specific land use allocation, the existing pattern of land use is intended to remain. The proposed extensions are all associated with the existing use of the land and buildings as an educational establishment and will not introduce any new land uses to the site. As such, there is no conflict with the requirements of policy EN10.

The UDP proposals map does indicate that the grounds of the school contains playing field, and policy L7 therein seeks to protect playing fields and other areas of recreational space from inappropriate development. The development proposed by this application does not, however, affect any of the school's existing playing field or recreational outdoor space provision, or any land which could be used for such purposes in the future and so the proposal does not conflict with the requirements of policy L7.

## 2. IMPACT OF DEVELOPMENT ON VISUAL AND RESIDENTIAL AMENITY

Policy B2 of the UDP states that new development proposals must respect visual and residential amenity. With regard to residential amenity, the nearest dwellings to the school would be approximately 56 metres distance which would ensure that the properties would not suffer any adverse impact to their amenity.

Conditions would be placed on any consent to restrict the hours of operation of the pitch and the floodlights associated with the use, in order to protect the residential amenity of the adjacent properties.

In terms of visual amenity, the proposal would be considered to be set at a distance which would not be harmful to the street scene, within an existing school playing field.

Policy EN1 of the UDP seeks to minimise all forms of pollution, whilst policy EN5 requires consideration to be given to the potential impact of noise from new development on existing noise-sensitive property, such as residential dwellings.

A lighting assessment has been submitted which states that there would be no adverse impact or intrusive light at the nearest residential properties and the Council's Public Protection and Regulatory Services Team have considered that this would be acceptable.

The noise assessment submitted dated 9.2.18 was submitted and assessed by the Council's Public Protection and Regulatory Services Team and it is recommended that the strategies outlined in the noise management plan are conditioned to ensure there is no impact upon residential amenity.

It is therefore considered that subject to the imposition of conditions to control noise and lighting, there would be limited impact from the development upon the visual and residential amenity of the adjacent properties and as such the proposal is considered acceptable, in accordance with the requirements of policies B2, EN1 and EN5 of the UDP.

## 3. IMPACT OF DEVELOPMENT ON HIGHWAY AND PEDESTRIAN SAFETY

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

The Council's Network Management Team raised concerns about the use of the facilities by organisations other than Southmoor Academy. As the information provided in support of the planning application was limited with no detail on potential end users and how the site would be managed outside of school hours.

If the facility is intended to be available for hire then the projected 10 to 20 vehicles does appear to be an under estimation based on arrangements for other similar facilities. It is recognised that if the facility is restricted to use between 17:00 and 19:00 hours then there is the opportunity to utilise on-site parking provided during the school day for staff use.

There is a concern that the proposal will generate more than the estimated 10-20 cars, however if an appropriate level of parking is provided within the site then this could potentially be managed by an operational management plan condition. Until further information is provided on how the facility is going to be used and managed, there is a concern that the proposal will generate on-street parking on the A1018 Ryhope Road, Queen Alexandra Road and adjacent residential streets. This situation would impact on highway safety, and until acceptable details are provided the proposal should be resisted.

In response to consultation, the agent provided a parking strategy and the Council's Network Management Section has stated that the proposal should be conditioned to adhere to the parking strategy in order to prevent any adverse impact upon the highway and pedestrian safety and the amenity of local residents, as such would be considered acceptable, in accordance with the requirements of policies B2 and T14 of the UDP.

## CONCLUSION

With regard to the above comments, it is considered that the principle of the development is acceptable, as is its impact on visual and residential amenity. In addition, it is considered that the impact of the development proposed by the application on highway and pedestrian safety is acceptable. The proposed development therefore accords with the requirements of policies EN10, EN1, EN5, L7, B2 and T14 of the UDP and members are recommended to Grant Consent subject to the following conditions.

## Equality Act 2010 - 149 Public Sector Equality Duty

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

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

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

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

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

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

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

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

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

**RECOMMENDATION:** GRANT CONSENT under Regulation 4 of the Town and Country Planning (General Regulations) 1992 (as amended), subject to conditions below:

**Conditions:**

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

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

- Existing site plan received on 22.12.17
- Proposed site plan received on 22.12.17
- Location plan received on 22.12.17

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 Unless otherwise approved by the local Planning Authority, in writing, the times of operation are Monday to Friday 09:00 - 15:00 by the Academy and then from 15:00 to 19:45 by private clubs. Saturday and Sunday 09:00 - 17:00 by private clubs. In order to protect the amenities of the nearby properties and to comply with policy EN5 of the UDP.

4 No floodlighting to be used other than in connection with the operation of the pitch and to be switched off 15 minutes after hours of operation. In order to protect the amenities of the nearby properties and to comply with policy EN5 of the UDP.

5 Unless otherwise approved in writing by the Local Planning Authority, the operation of the site should be subject to the mitigation scheme set out in the Noise Management Plan dated 09.02.2018 maintained thereafter in the interests of the amenity of nearby properties and to comply with policy EN5 of the UDP.

6 No development shall commence until details of the construction, surfacing, means of enclosure, floodlighting and line marking of the proposed artificial grass pitch (AGP) have been submitted to and approved in writing by the Local Planning Authority. The AGP shall not be constructed other than in accordance with the approved details. To ensure the development is fit for purpose and sustainable and to accord with Development Plan Policy B2 of the Unitary Development Plan.

7 The operation of the multi user games area hereby approved shall be carried out in full accordance with the parking strategy dated 19.4.18 in the interests of highway and pedestrian safety and the amenity of local residents and in order to accord with the requirements of policies B2 and T14 of the UDP.

4.

South  
Sunderland

**Reference No.:** 18/00424/FUL Full Application

**Proposal:** Erection of a single storey rear extension

**Location:** 7 Hillcrest Sunderland SR3 3TN

**Ward:** St Chads  
**Applicant:** Ms Abbie Lawrence  
**Date Valid:** 12 March 2018  
**Target Date:** 7 May 2018

### Location Plan



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## **PROPOSAL:**

Planning permission is sought to erect a single storey extension to the rear of 7 Hillcrest in Sunderland. The host property is a south facing two storey semi-detached dwelling located within a residential street of similarly styled properties. The property exhibits front and rear garden areas and currently benefits from a conservatory which lies adjacent to the shared boundary with neighbouring No.5. The conservatory would be removed to facilitate the new extension.

The new rear extension would provide an enlarged kitchen/diner and run across the full width of the property's existing rear elevation projecting rearwards to a maximum distance of 4.4m. The projection adjacent to the shared boundaries of No's.5 and No.9 would however be limited to 3m. A lean-to pitched roof would determine that the maximum height of the extension would be 3.6m reducing to 2.5m at the eaves.

## **TYPE OF PUBLICITY:**

Site Notice Posted  
Neighbour Notifications

## **CONSULTEES:**

St Chads - Ward Councillor Consultation  
Network Management

Final Date for Receipt of Representations: **14.06.2018**

## **REPRESENTATIONS:**

One representation has been received following the public consultation carried out. The objection has been received from the adjoining property of No.5 Hillcrest and the following concerns have been raised.

- o The new extension would be positioned closer to the shared boundary than the existing conservatory, will be higher and constructed out of brick rather than glass.
- o In light of the above there are concerns that the proposed extension will cut out a considerable amount of light into my dining room resulting in a dark and gloomy room rather than the pleasant open feel it currently enjoys.

With regard to the above the objector has put forward an alternative scheme that they believe would alleviate their concerns. This involves the creation of hipped style roof that would pitch away from the boundary and painting the side wall in white/render to reflect light.

With regard to alternative scheme presented by the neighbour it must be noted that the Council, in its capacity as Local planning Authority (LPA), can only really consider the merits of scheme that is presented to them by the applicant. If a scheme is considered to raise concern then amendments can be sought to remedy any harm that may arise, but it is not for the LPA to act as



an arbitrator between neighbours when assessing a proposal. This would be civil issue for the respective parties concerned.

## **POLICIES:**

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

B2 - Scale, massing layout and setting of new developments

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

## **COMMENTS:**

Issues -

The main issues to consider in assessing the application are the impact of the proposal on the visual amenity of the street scene and the amenity of neighbouring residents.

Policy B2 of the adopted UDP relates to new developments and extensions to existing buildings and states that their scale, massing, layout or setting should, 'respect and enhance the best qualities of nearby properties and the locality and retain acceptable levels of privacy' Policy B2 has been reinforced through the Councils adopted Supplementary Planning Document for Household Alterations and Extensions (SPD).

Residential amenity -

Section 7.1 of the SPD stipulates that following the erection of any extension, neighbouring properties, including gardens, should still have a reasonable level of privacy and windows should not therefore be positioned so that they directly overlook into the window or gardens of neighbouring properties. Further, any extension should not overshadow or significantly reduce the amount of daylight/sunlight entering a habitable room window. In this respect Section 7.4 of the SPD qualifies that a rear extension which runs along the common boundary of a semi-detached dwelling will normally be limited to a maximum projection of 3m.

In respect of the above, it should be noted that the 3m projection and associated roof height of the rear extension (adjacent to the boundary of No 5) falls within the tolerance of permitted development as outlined within the Town and Country Planning (General Permitted Development) Order 2015. In addition the projection also adheres with the LPA's guidance contained within Section 7.4 of the SPD. Indeed, it is evident that the only reason the rear extension requires planning permission is due to the fact that it integrates with the rear elevation of the previously constructed two storey side extension and in part extends 4.4m. Based on the above, the element of the rear extension that the neighbouring occupier at No.5 is objecting to (i.e. the 3m projection adjacent to their boundary) could be erected without the requirement of planning permission in any event.

As such there are considered to be no reasonable grounds to require that the applicant reduce the projection of the extension or revise the roof design and it must also be noted that the extension is positioned due west of No.5 which would dictate that the extension would not demonstrably impact on the level of sun light entering the ground floor window of this property. It is understood that the applicant and neighbour have reached an agreement to whitewash the side wall of the extension following receipt of an email from the applicant (as suggested by the occupier of No.5 in

their objection), however from a planning perspective this would not be crucial to the overall acceptability of the proposal and would purely be private agreement between the respective parties.

On the opposing side the new extension would sit on slightly lower ground to that of No.9's plot and it is also noted that the occupants of No.9 already benefit from a conservatory of similar proportions which would lie side by side with the proposed rear extension.

The element of the extension which projects 4.4m is more centrally located within the rear extension and is sited sufficiently away from the neighbouring occupiers as to have no demonstrable impact on their amenity.

In light of the above reasoning it is considered that the proposed rear extension accords with the requirements of UDP policy B2 and the relevant paragraphs of the SPD and would not significantly impact on the residential amenity of neighbouring occupiers.

#### Street scene -

Further to UDP policy B2, paragraph 56 of the NPPF states that, 'The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people' whilst paragraph 64 states that, 'Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'

In this regard it is considered that the proposed development would respect the character and appearance of the host dwelling and as the extension is to be located to the rear of the property it would have a limited visual presence the existing street scene.

Based on the above, it is considered that the proposed development would have no adverse impact on the appearance of either the host property or wider street scene and thus is in accordance with both local and national policy guidance in this instance.

#### CONCLUSION

On the basis of the above it is considered that the proposed development would have no detrimental impact on the living conditions of any neighbouring occupier in terms of overshadowing, a loss of sun/daylight, or a reduction in prevailing levels of privacy in this instance. The proposed development is therefore considered to accord with the provisions of UDP policy B2 and the guidance contained within the adopted SPD.

#### Equality Act 2010 - 149 Public Sector Equality Duty

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

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

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

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

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

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

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

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

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

**RECOMMENDATION:** APPROVE, subject to conditions below:

#### **Conditions:**

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

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

The floor plans and elevations as existing and proposed received 09.03.2018, the site and roof plan received 09.03.2018 and the location plan also received 09.03.2018

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 (excluding any application of whitewash to the western gable wall), 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.

5.

South  
Sunderland

**Reference No.:** 18/00470/LP3 Local Authority (Reg 3 )

**Proposal:** **Erection of a 2.5metre steel mesh boundary fence.**

**Location:** Land Adjacent 46 And 53 The Crescent New Silksworth Sunderland

**Ward:** Silksworth  
**Applicant:** Sunderland City Council  
**Date Valid:** 29 March 2018  
**Target Date:** 24 May 2018

### Location Plan



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## **PROPOSAL:**

The site to which the application relates is an area of land situated toward the end of The Crescent within New Silksworth. There is a steep bank at the end of the cul-de-sac which descends into Newport Dene.

The Council's Landscape Design Services Section is applying for permission to erect a 2.5 metre high green powder-coated galvanised mesh fence, which will be situated at the end of the cul-de-sac. The fence would be approximately 20 metres in length and would be split into two sections to accommodate an existing electricity supply pole.

It is also proposed to install 6no. bollards at the end of the road. However, the installation of these bollards can be undertaken utilising the permitted development rights afforded by Class A of Part 12 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and so does not require planning permission.

The applicant states that the bank at the end of The Crescent has been used for unlawful fly tipping of domestic rubbish for a long period of time, and the local Ward Councillors have requested that the fence be erected at the end of the road to deter such fly tipping. It is hoped that this proposal will reduce the accumulation of unsightly rubbish and reduce the cost of removing the unwanted debris.

## **TYPE OF PUBLICITY:**

Site Notice Posted  
Neighbour Notifications

## **CONSULTEES:**

Silksworth - Ward Councillor Consultation  
Network Management

Final Date for Receipt of Representations: **24.04.2018**

## **REPRESENTATIONS:**

Neighbour consultation  
No representations have been received.

Council's Highways team  
Following consultation with the Council's Highways team, no objections or recommendations have been received in relation to the proposal.

Ecology Section  
No comments have been received to date.

## **POLICIES:**

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

B2 - Scale, massing layout and setting of new developments

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

T22 - Parking standards in new developments

CN22 - Developments affecting protected wildlife species and habitats

## **COMMENTS:**

The main issues to consider in determining this proposal are:

- i) Design and amenity issues.
- ii) Highway issues.
- iii) Ecological Issues.

### **Design and Impact on residential amenity**

National planning guidance is provided by the Government's National Planning Policy Framework (NPPF), one of the 'core principles' of which is that planning should 'always seek to ensure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Paragraph 56 goes on to advise that great importance is attached to the design of the built environment - good design is a key aspect of sustainable development and is indivisible from good planning, whilst paragraph 64 states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

At a local level Policy B2 of the Council's Unitary Development Plan (UDP) relates to new development, redevelopment and alterations to existing buildings and states in part that the scale, massing, layout or setting of new developments and extensions to existing buildings should respect and enhance the best qualities of nearby properties and the locality and retain acceptable levels of privacy.

It is considered that the size and form of the proposed fence will not detract from the appearance of the wider area and in this regard, it is observed that the fence would be painted green to ensure that it will not appear obtrusive within the context of the wooded Dene beyond it. As such it is considered that the design and appearance of the proposed fence is acceptable and complies with the requirements of the NPPF and Policy B2 of the adopted UDP.

The proposal is positioned 10 metres from the nearest residential properties and given this arrangement, it is considered that the proposed development will have no demonstrable impact on the living conditions of the neighbouring properties and would comply with the requirements of the NPPF and Policy B2 of the adopted UDP.

### **Highway implications**

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

The fence would be set back from the road and behind an existing low steel railing. Given this it would not be considered that the fence would negatively impact highway or pedestrian safety.

Further to this Council's Highways team has confirmed that they have no objections to the proposal from a highway safety point of view. The development would therefore comply with the requirements of policies T14 and T22 of the UDP.

#### Ecology

Policy CN22 of the UDP 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.

Following consultation the Council's Ecologist has considered the proposal and has no objection with regard to its impact on ecology and it is considered to comply with policy CN22.

The Ecologist has asked that a note be attached to any approval setting out the need for the developer and their agents to be mindful of the protection afforded to breeding birds through the Wildlife and Countryside Act 1981 (as amended).

#### CONCLUSION

For the reasons set out above, it is considered that the implications of the proposed development in relation to visual and residential amenity, highway and pedestrian safety and ecology are acceptable, in accordance with the objectives of the NPPF and policies B2, T14, T22 and CN22 of the Council's UDP.

#### Equality Act 2010 - 149 Public Sector Equality Duty

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

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

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

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



(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

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

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

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

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

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

**RECOMMENDATION:** Grant Approval under Regulation 3 of the Town and Country Planning (General Regulations) 1992 (as amended), subject to conditions.

### **Conditions:**

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

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

Location plan, drawing number LS000102\_0001 RevP2, received 29.03.18

Layout plan and details, drawing number LS000102\_0002, RevP1 received 16.03.18

Fence elevation, drawing number LS000102\_0003 RevP1, received 16.03.18

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 materials to be used, shall be in accordance with those stated on the fence elevation plan,

drawing number LS000102\_0003 Revision P1, received on the 16.03.18 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.

## 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

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
18/00749/FUL	The Inn Place Partnership	Demolition of existing public house and erection of 19 dwellings with associated parking and landscaping.	16/05/2018	15/08/2018
Doxford	The Inn PlaceKnollside CloseSunderlandSR3 2UD			
18/00438/FUL	Gentoo Homes	Application for 113 residential units (C3) and associated access, landscaping and ancillary works.	09/04/2018	09/07/2018
Doxford	Land To The North Of Mill Hill RoadDoxford ParkSunderland			

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
18/00485/FDC	Clearwater Developments	Conversion and change of use of existing school building to provide 15no. apartments with associated parking, includes demolition of existing outbuildings and alterations to front boundary wall.	19/04/2018	19/07/2018
Hendon	Sunderland Church High SchoolMowbray RoadSunderlandSR2 8HY			
15/01038/FU4	Mr John Cambell	Erection of two semi detached dwellings.	16/07/2015	10/09/2015
Hendon	Site Of 40/41Lawrence StreetSunderland			
18/00531/FUL	Dashwood Group	Change of use from night club (sui generis) to House Of Multi Occupation (sui generis) with associated elevational alterations, including replacement UPVC windows, dormer windows to north elevation, rendering, and alterations to existing entrance.	17/04/2018	12/06/2018
Millfield	255 - 256 High Street WestSunderlandSR1 3DH			

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
17/02430/OU4	O&H Properties	Outline application for "Redevelopment of the site for residential use up to 700 dwellings, mixed use local centre (A1-A5, B1), primary school and community playing fields, associated open space and landscape, drainage and engineering works involving ground remodelling, highway infrastructure, pedestrian and vehicle means of access and associated works (all matters reserved)"	18/12/2017	19/03/2018
Pallion	Former Groves Cranes Site Woodbine Terrace Pallion Sunderland			
18/00014/FUL	Two Sisters Food Group	Provision of 50 space car park, new access from Wellmere Road with vehicle control barriers and fencing and installation of stair, lift and windows to existing upper floor mezzanine to form offices (Amended description)	17/05/2018	16/08/2018
Ryhope	Two Sisters Food Group Unit U Wellmere Road Leechmere Industrial Estate Sunderland SR2 9TE			

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
18/00646/FUL	Northumbrian Water Ltd	Erection of a 1.6 metre high internal perimeter fence, access gates and installation of 4no. life buoy stands	16/04/2018	16/07/2018
Ryhope	The GatehouseRyhope Pumping StationWaterworks RoadRyhopeSunderland SR2 0ND			
18/00645/LBC	Northumbrian Water Ltd	Erection of a 1.6 metre high internal perimeter fence, access gates and installation of 4 no. life buoy stands	13/04/2018	08/06/2018
Ryhope	The GatehouseRyhope Pumping StationWaterworks RoadRyhopeSunderland SR2 0ND			
18/00255/FU4	Gentoo Homes	Construction of 118 dwelling houses, including drainage infrastructure, landscaping, public open space and stopping up of public highway.	22/02/2018	24/05/2018
St Annes	Land Adjacent To Chester Road/Formal Pennywell EstatePennywellSunderland			

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
17/01809/OUT	C/o Agent TTS Planning Consultants	Outline planning permission with all matters reserved for demolition of existing social club and redevelopment for residential accommodation (up to 20 units) (Amended description).	13/02/2018	15/05/2018
St Chads	Farringdon Social Club And Institute Limited Anthony RoadSunderlandSR3 3HG			
17/00581/VAR	Jordan 90 Ltd	Variation of condition 2 (Plans), condition 4 (Obscure glazing) and condition 9 (No Felling) attached to planning application 14/01793/FUL (Two detached dwellings with associated access and parking) Alterations to size, type and position of windows, felling of trees, changes to internal layout, provision of accommodation in roof space(including provision of roof lights) and conversion of double garage (plot2) to kitchen	13/06/2017	08/08/2017
St Michaels	Land Rear Of 16 And 17 The CedarsAshbrookeSunderl and			