

DEVELOPMENT CONTROL (NORTH SUNDERLAND) SUB-COMMITTEE

AGENDA

**Meeting to be held in Committee Room 2 on
Thursday 23rd March, 2017 at 4.45 p.m.**

ITEM		PAGE
1.	Receipt of Declarations of Interest (if any)	
2.	Apologies for Absence	
3.	Applications made under the Town and Country Planning Acts and Regulations made thereunder Report of the Executive Director of Economy and Place (copy herewith).	1
4.	Town and Country Planning Act 1990 – Appeals Report of the Executive Director of Economy and Place (copy herewith).	20

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

Civic Centre,
SUNDERLAND.

14th March, 2017

Development Control North Sub-Committee

23rd March 2017

REPORT ON APPLICATIONS

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. 15/02379/FUL
Former Speedings Sailworks 15 Whickham Street Monkwearmouth
Sunderland SR6 0ED

COMMITTEE ROLE

The Sub Committee has full delegated powers to determine applications on this list. Members of the Council who have queries or observations on any application should, in advance of the above date, contact the Sub Committee Chairman or the Development Control Manager (0191 561 8755) or email 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/

Ms. Irene Lucas CBE
Chief Executive

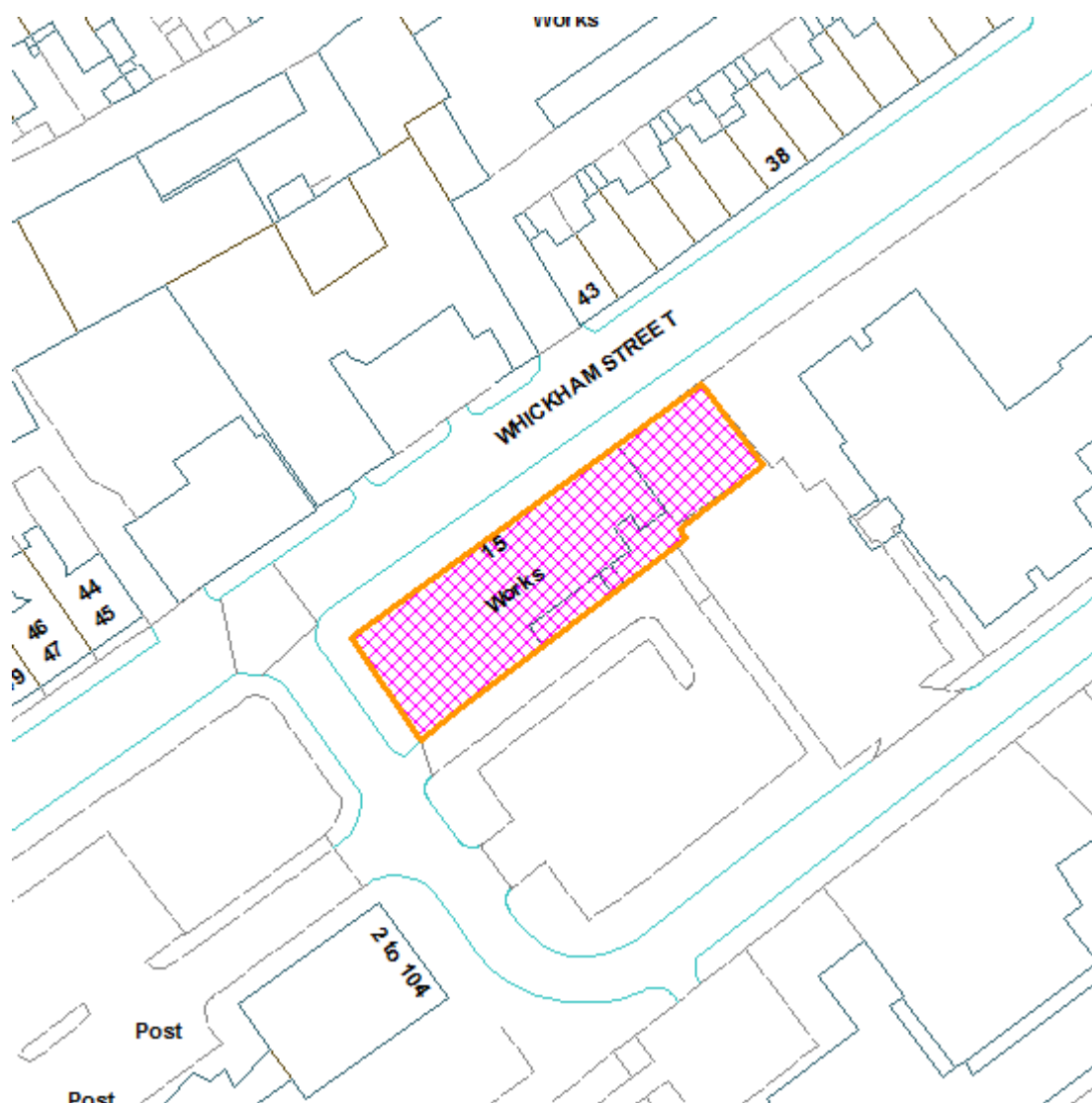
Reference No.: 15/02379/FUL Full Application

Proposal: **Demolition of existing building and erection of five storey student accommodation, to provide 68 student bedrooms.**

Location: Former Speedings Sailworks 15 Whickham Street Monkwearmouth
Sunderland SR6 0ED

Ward: St Peters
Applicant: Mr R Wooler
Date Valid: 21 January 2016
Target Date: 21 April 2016

Location Plan



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PROPOSAL:

APPLICATION SITE

The application site is the former Speedings Sails building, a late 19th century historic warehouse of industrial heritage significance. The building fronts directly onto Whickham Street, is separated from Dock Street to the side by a narrow grass verge, and abuts an unadopted access lane to the rear. The rectangular plot includes a fenced yard area to the north east of the building.

The building is irregular in form, being characterised by three differently designed building elements along its length and over 2/3 storeys. It has been vacant for some years and has fallen into disrepair with window openings being sealed or bricked up.

The building was largely constructed at some time between 1855 and 1895. The gabled part of the complex was the earliest part (1855-1890), then the central section of the building (1890-1910), an extension added by 1914 and finally the house (also by 1914). The gabled part may be a re-use of an earlier building.

The central element of the building appears to be a purpose built sail-loft. The gabled part of the building has a stone quatrefoil in an octagonal surround within a brickwork arch above the first floor windows. The former house contains domestic features such as fireplaces and cornices.

The site lies within an area characterised by a mix of land uses. Commercial enterprises lie to the north-west, traditional terraced residential properties as well as high-rise apartments lie nearby, a retirement complex sits to the north east and a school is situated to the south, the car park of which is located to the rear of the site.

PROPOSAL

The application originally related to the demolition of the existing building and the erection of a purpose built five storey student accommodation facility to provide 75 student bedrooms. The application has been the subject of discussions which have resulted in the submission of amended drawings. The proposal as currently proposed includes 68 en-suite bedrooms within 14 communal units over 5 storeys. The space will be arranged in separate units of between 3 and 5 rooms sharing communal living and kitchen space. A car parking area to the side will provide parking for 4 cars (inc 1 accessible space) and a large cycle storage area, and the building will be stepped from 4 storeys at the north eastern end of the building to 5 storeys at the south western end.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

St Peters - Ward Councillors Consultation
DC North Chair And Vice Chair Consultation
Network Management
Environmental Health

Flood and Coastal Group Engineer
St Peters - Ward Councillors Consultation
Network Management
Environmental Health
Environment Agency
DC North Chair and Vice Chair Consultation
Fire Prevention Officer
NE Ambulance Service NHS Trust
Nexus
Flood and Coastal Group Engineer
Southern Area Command - Police

Final Date for Receipt of Representations: **28.12.2016**

REPRESENTATIONS:

Neighbour Responses

One letter of objection and a petition containing 19 names have been received. The objectors' main concerns relate to;

- The proximity of the development to the adjacent retirement apartments,
- The possibility of asbestos in the building,
- The lack of car parking,
- The possibility of disturbed rats moving from the site to nearby buildings,
- The potential for the development to lead to the accumulation of rubbish around the site,
- The likelihood of nearby residential properties suffering noise and disturbance from the development.

The control of vermin is not a planning matter that can be considered in the context of this planning application. Similarly, the handling of asbestos is not a planning matter and is controlled by other legislation.

Originally, the development was only 11m from the adjacent building. Amended drawings have been submitted which show this distance substantially increased. Similarly, the scheme originally did not include parking and has been subsequently amended. These plus the other issues raised will be discussed in more detail later in the report.

Consultee Responses

The Network Management Team have no objections to the proposal subject to the submission of details of the cycle store and car parking bays, which could be dealt with by condition should Members be minded to approve the application.

The Lead Local Flood Authority is satisfied with the submitted details provided that suitable connections to the sewer can be achieved, which could be dealt with by condition should Members be minded to approve the application.

The County Archaeologist has no objections to the scheme provided that the existing building is adequately recorded and that the stone name sign on the building is reclaimed, which could be dealt with by condition should Members be minded to approve the application.

Northumbrian Water has no objections to the proposal subject to the submission of details to connect to the existing public sewer network, which could be dealt with by condition should Members be minded to approve the application.

The Public Protection and Regulatory Services Team has no objections subject to standard conditions relating to investigation and mitigation of contamination risk and mitigation measures to reduce the impact of noise.

The Built Heritage Team has no objections to the scheme.

The Natural Heritage Team has no objections to the development subject to the implementation of proposed mitigation measures for the protection of at risk species, which could be dealt with by condition should Members be minded to approve the application.

The Fire Authority has no objections to the proposal.

POLICIES:

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

B_2_Scale, massing layout and setting of new developments
EN_12_Conflicts between new development and flood risk / water resources
EN_14_Development on unstable or contaminated land or land at risk from landfill/mine gas
EN_6_Limit exposure of new noise/vibration sensitive developments to existing sources
NA_43_Encourage the revitalisation of the environment in Monkwearmouth Improvement Area
EC_4_Retention and improvement of existing business and industrial land
B_1_Priority areas for environmental improvements
B_11_Measures to protect the archaeological heritage of Sunderland (general)
CN_22_Developments affecting protected wildlife species and habitats
CN_19_Development affecting designated / proposed SAC's, SPAs and RAMSAR Sites
T_14_Accessibility of new developments, need to avoid congestion and safety problems arising
T_22_Parking standards in new developments

COMMENTS:

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

- Principle of development
- Built Heritage
- Ecology
- Highway Issues
- Design issues
- Residential Amenity
- Drainage and flooding
- Ground Conditions
- Noise

Principle of development

The site lies within an area subject to policies NA43, EC4 and B1, which seek to secure the revitalisation of the existing industrial area. Policy NA43 recognises that many properties within

the area are old, poorly maintained and suffer from a lack of investment and that implementation of the policy will be largely by the private sector.

The site was the subject of an application to convert the building to student accommodation which was granted at appeal in April 2013. The Inspector noted that 'whilst policy EC4 of the City of Sunderland Unitary Development Plan, 1998, (UDP) seeks to retain existing employment land and specifically resists the conversion of existing business premises to residential institutions, this applies to sites that are recorded on the Office Sites and Industrial Land Availability Registers; there is little to indicate to me that the appeal site is one of these sites, or that the Register is up to date, and the Council has not refused the proposal on this basis. Moreover, the appellant has provided evidence that marketing of the appeal premises for rent for business use since June 2008 has been unsuccessful.' The use of the site for residential purposes has therefore already been established in principle.

The council has prepared a draft interim Student Accommodation Policy document which will subsequently be incorporated into the publication version of the City Council's Local Plan- Core Strategy and Development Management Policies. In accordance with this draft document the proposal will need to comply with draft policy DM4.3. The proposal will need to demonstrate that;

- a. the development meets an identified need in terms of quantity and;
- b. the development meets an identified demand in terms of quality.
- c. the development is of a scale appropriate to its surroundings.
- d. the development is located within close proximity to local facilities and is accessible to the university by foot and cycle and by public transport.
- e. the accommodation provides high quality living accommodation in terms of design, layout, standards and facilities provided within the development, as more particularly described in the background text to this policy.

Should a proposal come forward which is not located within the city centre or on existing university campuses, the developer will need to demonstrate there are no suitable and available sites to accommodate the proposed development within both the city centre and on an existing campus and ensure compliance with the above points (a-e).

All proposals for student accommodation must also accord with the requirements of Policy DM4.4;

Proposals for HMOs/student accommodation will be permitted providing:-

- a. the property is located where increased traffic and activity would not be detrimental to local amenity;
- b. the intensity of use will not adversely affect the character and function of the locality;
- c. the proposal would not be detrimental to the amenities of neighbouring properties by causing undue noise and disturbance;
- d. adequate provision for parking, servicing, refuse, recycling arrangements and the management and maintenance of the property can be demonstrated through the submission of a management plan.
- e. the proposal would not result in an over concentration of houses of multiple occupation and/ or student accommodation collectively.

The agent has submitted a planning statement that seeks to address the above issues. It states that the applicant has a proven record of providing quality student accommodation by being one of the largest student landlords in the city. Students will be relocated to the new facility from existing older housing stock in the Roker area freeing up these buildings to be converted back into

family houses and apartments. Although it is just outside of the areas specified within the policy, the development is closer to the city centre and campuses than the existing student accommodation stock, within walking distance of St Peters campus and close to the public transport network.

Built Heritage

Paragraph 141 of the NPPF states that local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.

Policy B11 of the UDP indicates that the City Council will promote measures to protect the archaeological heritage of Sunderland and ensure that any remains discovered are either physically preserved or recorded.

The existing building is not listed but it is of local historic interest. As such it would need to be properly assessed and recorded prior to demolition. A suitably worded condition could require the submission of such an assessment and recording. The County Archaeologist will provide a specification for the building assessment and recording for the applicant which sets out what is required. The assessment and recording must be undertaken by an experienced professional archaeologist or buildings historian.

The submitted Historic Building Recording report recommends that the stone sign on the building which reads 'J. Speeding & Co. Sail Works' should be donated to Sunderland Museum. The County Archaeologist agrees with this recommendation.

Ecology

The NPPF provides that Local Planning Authorities should aim to conserve and enhance biodiversity. Paragraph 118 of the NPPF provides as follows:-

- if significant harm resulting from a development cannot be avoided, adequately mitigated, or as a last resort, compensated for, then planning permission should be refused;
- opportunities to incorporate biodiversity in and around development should be encouraged;
- the following wildlife sites should be given the same protection as European Sites:
 - o potential Special Protection Areas and possible Special Areas of Conservation;
 - o listed or proposed Ramsar sites; and
 - o sites identified, or required, as compensatory measures for adverse effects on European sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.

UDP policy CN22 states that development which would adversely affect any animal or plant species afforded special protection by law, or its habitat either directly or indirectly, will not be permitted unless mitigating action is achievable through the use of planning conditions and, the overall effect will not be detrimental to the species and the overall biodiversity of the City.

Given the condition of the building an Ecological Risk Assessment would be required to be undertaken by a qualified ecologist to determine if there are any protected species present, such as bats or breeding birds that may be adversely affected by the development. A Bat Survey and Risk Assessment was carried out in August 2015 and the result submitted with the application. It concluded that no bats were found and no potential roost sites were found. The property is

considered an unlikely bat roost or hibernation site because of the lack of potential roosts in the exterior walls or at the wall tops and there is no evidence of use.

The report included mitigation measures in the case of discovery of a bat during construction or demolition works and it is considered appropriate to attach a condition to any approval that might be forthcoming to secure these mitigation measures. Given the time elapsed since the original Ecological Risk Assessment, it is also considered appropriate to include a condition requiring a final checking survey for species such as bats and breeding birds before development is commenced.

UDP policy CN19 states that;

'Special Areas of Conservation, Special Protection Areas and Ramsar sites, either designated or proposed for designation, will be conserved. Development will not be permitted unless;

- (i) it is directly connected with or necessary to the management of the nature conservation interest of the site;
- (ii) it would not adversely affect the nature conservation interest of the site either directly or indirectly; or
- (iii) the developer can demonstrate that there are imperative reasons of overriding public interest for the development and no alternative site is available.

Where such development does proceed, it may be subject to planning conditions and obligations to secure mitigation or compensatory measures, including those necessary to ensure that the overall coherence of Natura 2000 is protected.'

The Natura 2000 network provides protection for sites that are of exceptional importance in respect of rare, endangered or vulnerable natural habitats and species within the European Union. The network consists of Special Areas of Conservation (SACs) and Special Protection Areas (SPAs). SACs are sites of European importance for nature conservation designated under the Council Directive 92/43/EEC on the Conservation of Natural Habitats and Wild Flora and Fauna (the Habitats Directive). SPAs are sites of European importance for nature conservation designated under the Council Directive 79/409/EEC on the Conservation of Wild Birds (the Birds Directive). Both types can also be referred to as European Sites.

In the UK, the above directives are transposed into domestic legislation through the Conservation of Habitats and Species Regulations 2010. It is an offence under the above legislation and regulations to carry out an act which may damage a qualifying species or habitat for which the site is designated. The regulations require competent authorities to demonstrate that a plan or project will not have any adverse effects on the integrity of any European sites either directly or indirectly, alone or in combination with other plans or projects. A Habitats Regulations Assessment (HRA) is the mechanism for carrying out this assessment.

An HRA can consist of up to 4 stages. An initial 'screening' process will provide an evaluation of the potential effects of the plan or project upon one or more European sites. If particular significant effects either alone or in combination are identified, or where it is uncertain whether a plan/project is likely to have a significant effect then an 'Appropriate Assessment' will be required. Should the Appropriate Assessment identify likely significant effects that cannot be nullified by mitigation, then suitable alternative solutions should be sought, ensuring that these also have no significant effects. If, in exceptional circumstances and as a last resort, it is decided that a plan or project must go ahead for imperative reasons of over-riding public interests, compensations for its effects must be agreed and secured. Otherwise, the plan or project cannot proceed.

There are two European sites that are in close proximity to the proposed development site; Northumbria Coast SPA, the only example of vegetated sea cliffs on Magnesian limestone exposures in the UK; and Durham Coast SAC, which supports important bird species. In this case, the primary consideration will be the likelihood of the development leading to an increased number of visitors to the coast, particularly during the winter months. Should a development proposal require an Appropriate Assessment Regulation 61(2) requires the developer to provide all the requisite information "such information as the authority may reasonably require for the purposes of the assessment".

In this case, the development is intended to transfer existing student numbers from elsewhere in the Roker area to this purpose built development, rather than introduce a new population to the area. Additionally, emerging evidence indicates that the most significant factor leading to disturbance to the coastal areas is dog ownership; typically residents of this type of student accommodation are unlikely to or may be prohibited from the keeping of animals.

It is therefore unlikely that the proposal will have a significant effect upon the European sites either alone or in combination and it is considered that the project can be screened out and no further Appropriate Assessment is required.

Highway Issues

Policies T14 and T22 of the UDP stipulate that development should not cause traffic congestion or highway safety problems on existing roads whilst adequate provision shall be made for the parking of vehicles.

Bin storage areas are included within the internal layout of the property and are considered to be sufficient and accessible. The uncontrolled escape of refuse should therefore not be a direct result of the proposed development.

A large 30 space cycle storage area is now proposed to the side of the building. Given this, and the proximity of the development to the campus and the public transport system, it is considered that the level of car parking is appropriate in this case. The Network Management Team have offered no objections to the development as amended subject to the submission of details of the cycle storage and precise details of the car park spaces.

Design Issues

UDP policy B2 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.

The building height varies from 4 storeys on the eastern side to 5 storeys on the western side closest to the high rise apartments. The scale of the building fits well within the surrounding area. The development attempts to bridge the various surrounding building heights, using a stepped system to ease the change from the 2-3 storey residential and housing units to the north, east and south, to the 15 storey apartments to the west. The scheme thus complies with the requirement of the draft Interim Student Accommodation policy for the development to be of a scale appropriate to its surroundings.

The proposed materials are considered to be in keeping with the surrounding building while creating a simplistic build of high-quality design. The contrasting materials will break up the building lessening its dominance on the street scene.

It is therefore considered that the proposal represents a good quality design that is in keeping with the character of the surrounding area and is acceptable in terms of visual amenity in accordance with policy B2 of the UDP in this respect.

Residential Amenity

Section 10c of the Residential Design Guide Supplementary Planning Document, adopted 2008, expands on policy B2 in terms of spacing standards between dwellings. In situations where a dwelling with main living room windows would face a side or end elevation, with only secondary or no windows, a distance of at least 14m is recommended for 1 or 2 storey properties. An additional 5m is normally required for each additional storey. In this case a distance of 24m would normally be required.

The proposed building will be 22.4m away from the adjacent retirement apartments at Springtide Cove. As initially submitted, this distance was just over 11m. Through negotiations with the agent, a number of shortcomings with the original proposal have been improved including this spacing standard. At 22.4m, the distance has doubled. The orientation of the buildings, with the proposed structure sitting to the southwest of the existing apartments, will not change from the current situation and the amount of direct sunlight received by the southwest facing windows of the apartments should not alter significantly.

The deletion of the three storey element within the yard area also serves to avoid any spacing issues between the terraced residential properties on the opposite side of the street as they will no longer be facing the building. Although still a little short of the recommended 24m, it is considered that a refusal for this reason alone would be unlikely to be supported at appeal.

It is therefore considered that the proposal should not raise any issues of overshadowing, overlooking or loss of residential amenity and is acceptable in terms of visual amenity in accordance with policy B2 of the UDP in this respect.

Drainage and flooding

UDP policy EN12 stipulates that in assessing proposals for development, the Council, in conjunction with the Environment Agency and other interested parties, will seek to ensure that the proposal would not be likely to impede materially the flow of flood water, or increase flooding elsewhere, or increase the number of people or properties at risk from flooding and not adversely affect the quality or availability of ground or surface water, including rivers and other waters.

The NPPF requires an appropriate assessment to be made of any flood risks relating to proposed developments. The aim of the assessment is to ensure that the development is not at risk from flooding and does not increase flood risk elsewhere.

The site is within Flood Risk 1 (low flood risk) and is less than 1ha in size, therefore in accordance with the NPPF, no flood risk assessment is required. However, a Flood Risk Assessment and Drainage Strategy was submitted with the application to demonstrate how surface water from the development will be dealt with sustainably. The Flood and Coastal Group Engineer identified some shortcomings with the initial report, which have been addressed within a final amended version subsequently submitted.

The drainage report concludes that the site is not suitable for the use of infiltration drainage and there are no open watercourses in the vicinity of the site. Consequently it is proposed that the surface water from the site will be attenuated and conveyed to an existing offsite connection to the Northumbrian Water adopted network.

The Flood and Coastal Group Engineer has confirmed the acceptability of the amended details provided that confirmation is received from Northumbrian Water that they can connect to the sewer to which the developer proposes to connect. However, Northumbrian Water has submitted a response to the consultation raising no objections but requesting that a condition be attached to any approval that might be forthcoming requiring the submission of a detailed scheme for the disposal of foul and surface water from the development for consideration and approval.

The development is therefore considered to be in compliance with policy EN12 of the UDP and the requirements of the NPPF in this respect.

Ground conditions

Policy EN14 of the UDP requires the applicant to carry out adequate investigations to determine the nature of ground conditions below. Where the degree of instability, contamination, or gas migration would allow development subject to preventive, remedial, or precautionary measures within the control of the applicant, planning permission will be granted subject to conditions specifying the measures to be carried out.

Paragraph 121 of the NPPF requires planning decisions to ensure that;

- o the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that development.
- o after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990, and
- o adequate site investigation information, prepared by a competent person, is presented.

The application was accompanied by a Phase 1 Desktop Study which sought to obtain information relating to the ground conditions beneath the site and to identify any ground contamination in order to enable formulation of an appropriate remediation strategy for the proposed development if necessary.

On consideration of this report, Public Protection and Regulatory Services have advised that the site does not appear to contain levels of contamination which would render the site un-developable. However, it is recommended that, if the application is found to be acceptable, it should be subject to standard conditions for investigation and mitigation of contamination risk.

The proposal would therefore comply with policy EN14 and the NPPF and is acceptable in this regard.

Noise

Paragraph 123 of the NPPF states that planning policies and decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development whilst Policy EN6 seeks to protect noise sensitive development from being exposed to unacceptable levels of noise or vibration from roads, railways, industrial areas or other potentially noisy uses.

The proposal is for a residential use within a mixed use area, including other residential properties. The main entrances to the building and living room windows will not directly face any existing residential properties, which will therefore be shielded to some extent from any comings and goings to the building. The Public Protection and Regulatory Services has raised no concerns

regarding the impact of noise upon existing residential properties but has suggested that, as the site is located within a busy location where occupants may be subject to relatively high levels of intrusive noise from traffic and nearby commercial activity, the development should be afforded suitable and sufficient noise mitigation measures to ensure commensurate levels of protection conducive to good sleeping or resting conditions. In this case it is considered appropriate to attach a suitable worded condition requiring the submission of a noise survey which will inform any mitigation that may be required to reduce the impact of noise from traffic and nearby commercial properties upon the future occupiers.

In light of the above, provided that a suitable condition is attached aimed at protecting the future occupants of the building from noise generated by traffic or nearby commercial premise, there is considered to be no conflict with the provisions of paragraph 123 of the NPPF or Policy EN6 of the 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.

CONCLUSION

The proposal has been found to be acceptable in principle with regard to national and local policy. Subject to the imposition of relevant conditions, the proposal is considered to be acceptable and in accordance with the provisions of the National Planning Policy Framework (NPPF), and policies within the Unitary Development Plan (UDP) with regards to the issues discussed above.

RECOMMENDATION: APPROVE subject to the conditions 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 following approved plans:

- location plan received 24/11/15,
- existing site plan drawing number AL (90) 0100 received 24/11/17,
- proposed ground floor plans drawing number AL (00) 0100 LEVEL 00 PLAN REV B received 1/3/17,
- proposed first floor plans drawing number AL (00) 0200 LEVEL 01 PLAN REV B received 1/3/17,
- proposed second floor plans drawing number AL (00) 0300 LEVEL 02 PLAN REV B received 1/3/17,
- proposed third floor plans drawing number AL (00) 0400 LEVEL 03 PLAN REV B received 1/3/17,
- proposed fourth floor plans drawing number AL (00) 0500 LEVEL 04 PLAN REV B received 1/3/17,
- proposed elevations drawing number AL (0) 0010 PROPOSED ELEVATIONS REV B received 1/3/17,
- proposed elevations drawing number AL (0) 0015 PROPOSED ELEVATIONS REV B received 1/3/17,
- proposed roof plan drawing number AL (27) 0100 ROOF PLAN REV B received 1/3/17,
- proposed site plan drawing number AL (90) 0200 PROPOSED SITE PLAN REV B received 1/3/17,

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 Notwithstanding any indication of materials which may have been given in the application, no development shall take place until a schedule and/or samples of the materials and finishes to be used for the external surfaces, including walls, roofs, doors and windows has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details; in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.

4 Before the development hereby approved is commenced details of the means of demolition shall be submitted to and approved by the Local Planning Authority. All works shall be carried out in accordance with the agreed details in order to protect the amenities of the area and to comply with policy B2 of the UDP.

5 The demolition and construction works required for the development hereby approved shall only be carried out between the hours of 08.00 and 18.00 Monday to Friday and between the hours of 08.00 and 13.00 on Saturdays and at no time on Sundays or Bank Holidays in order to protect the amenities of the area and to comply with policy B2 of the UDP

6 No development shall take place until a programme of photographic building recording has been completed, in accordance with a specification provided by the Local Planning Authority. The archaeological report shall be submitted to and approved by the Local Planning Authority before development work commences and in order to provide an archive record of the historic building before demolition and to comply with policy B14 of the UDP.

7 The stone sign on the building which reads 'J. Speeding & Co. Sail Works' should be carefully removed and donated to Sunderland Museum, in order to protect the archaeological heritage of Sunderland and to comply with policy B11 of the UDP.

8 Unless otherwise agreed in writing by the Local Planning Authority the development hereby approved shall be constructed in accordance with the recommendations within the Bat Survey and Habitat Risk Assessment dated August 2015 revised November 2015. If any protected or other significant species, including amphibians and invasive or non-native species are found, works shall cease immediately on the affected part of the site, the findings shall be reported to the Local Planning Authority and works shall not recommence until agreed in writing by the Local Planning Authority, in order to protect any wildlife or its habitat which may be present within the site, in accordance with policies CN18 and CN22 of the adopted Unitary Development Plan.

9 No development shall take place until further checking survey work has been carried out to ascertain the presence or absence of any animal or bird species, or its habitat, within the site or affected by the development hereby approved, by a competent Ecologist. The results will inform the implementation, prior to works commencing, of mitigation measures to be submitted to and agreed in writing with the Local Planning Authority, in order to protect any wildlife or its habitat which may be present within the site, in accordance with policies CN18 and CN22 of the UDP.

10 Before the development hereby approved is commenced, the details of the space and facilities for car parking and covered cycle storage shall be submitted to and approved in writing by the local planning authority. The facilities shall be provided in accordance with the approved details before any part of the building is occupied, in order to ensure that adequate provision is made for cycle storage and car parking and to comply with policies T14 and T22 of the UDP.

11 The development shall not commence until details of the foul and surface water drainage have been submitted to and approved by the Local Planning Authority and the development shall not be occupied until these facilities have been provided and installed in accordance with the approved details to ensure satisfactory drainage to the site and to comply with policy B24 of the UDP.

12 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 13 to number 15 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 24 has been complied with in relation to that contamination.

13 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.'

14 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.

15 The remediation scheme approved under Condition number 14 (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.

16 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 13 (Investigation and Risk Assessment), and when remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition number 14 (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 15 (Implementation of Approved Remediation Scheme).

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

17 Prior to the commencement of the development hereby approved, a Noise Impact Assessment survey and report shall be carried out to ascertain the likely impact from traffic and nearby commercial properties upon the future occupiers of the development, by a competent noise specialist. The results will inform the implementation, prior to the use commencing, of mitigation measures to be submitted to and agreed in writing with the Local Planning Authority. Once the described measures have been implemented, they shall remain in place at all times thereafter, unless the Local Planning Authority first agrees to any variation in writing, in order to protect the amenities of nearby residential properties and future occupiers of the proposed development and to accord with policy EN6 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
15/02266/OUT	Bolbec Hall Ltd	Construction of 4 storey building to provide 55 units of student accommodation to comprise 1 bedroom, 2 bedroom and studio apartments with associated access and parking.	14/06/2016	13/09/2016
St Peters	Land To The South Of Saint Benets Church The Causeway Sunderland			
15/02265/FUL	Bolbec Hall Ltd	Change of use from monastery to create 15no units of student accommodation to comprise 1 bedroom, 2 bedroom and studio apartments and 1 bedroom apartments with associated car parking and access.	14/06/2016	13/09/2016
St Peters	Saint Benets Roman Catholic Monastery The Causeway Sunderland S R6 0BH			

Application Ref and Ward	Applicant and Address	Proposal	Date Valid	Determination Date
16/02247/FUL	Butlers Walsall Ltd	Demolition of existing workshops and erection of 363 unit mixed use residential block for students and young professionals (Use Class C3) with integral car parking, ancillary amenities and commercial unit (Use Class A1/A3), along with external landscaping and access works.	13/01/2017	14/04/2017
St Peters	Bonnars FieldSunderlandSR6 0AA			
16/01828/SUB	Sunderland Accommodatio	Demolition of existing building and erection of four storey student accommodation comprising 11no. apartments and associated works (AMENDED PLANS RECEIVED 03.03.2017)	04/11/2016	03/02/2017
St Peters	15 North Bridge StreetSunderlandSR5 1AB			

Item 4

Planning Committee

21 March 2017

Planning Appeal Decisions – February 2017

The following appeal decisions are submitted for the Committee's information and consideration. These decisions are helpful in understanding the manner in which the Planning Inspectorate views the implementation of local policies with regard to the Sunderland Unitary Development Plan 2004 and the National Planning Policy Framework – March 2012. Copies of all of the following decisions are available via public access.

1.	<p>Appeal Ref: APP/J4525/D/16/3163373 15 Hornsey Crescent, Easington Lane, Houghton-Le-Spring DH5 0HH</p> <p>The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.</p> <ul style="list-style-type: none">• The appeal is made by Mr Kevin Johnston against the decision of Sunderland City Council.• The application Ref 16/01643/FUL, dated 5 September 2016, was refused by notice dated 1 November 2016.• Delegated Decision: REFUSE• The development proposed is 'Extension to the side of property with a front porch to form two bedrooms.' <p><u>Main Issue</u></p> <p>The main issue is the effect of the proposed development upon the character and appearance of the area.</p> <p><u>Reasons for Decision</u></p> <p>The appeal property is one of a pair of modest semi-detached houses located in a prominent position on the corner of Hornsey Crescent and Derwent Street.</p> <p>Although it is set at an angle facing the corner, the siting of the appeal property nevertheless respects the front building line of the houses on Derwent Street immediately to the north.</p>	Dismissed
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	<p>The appeal proposal would be 2 storeys high, and the ridge and eaves of the proposed gable roof would align with those of the existing house. At ground floor level the extension would project forward of the main front elevation by 1.5m, incorporating a new front porch, whilst at first floor level it would finish flush with the front elevation.</p> <p>The proposed development would extend back in line with the existing rear elevation although, due to the tapering nature of the side boundary, the extension would be just over a metre wide at the rear. At the front however, the appeal proposal would increase the width of the house by more than 50%.</p> <p>Due to its siting, scale and detailed design the proposed development would result in a bulky addition that would not appear subordinate to the existing house.</p> <p>Furthermore, it would extend significantly beyond the established building line on Derwent Street and would therefore be extremely conspicuous within the street. For these reasons, the appeal proposal would create an unduly dominant and incongruous feature on this prominent corner plot.</p> <p><u>Conclusion</u></p> <p>The development would have a harmful effect upon the character and appearance of the area. As such, it would fail to comply with the design aims of Policy B2 of the UDP.</p>	
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2.	<p>Appeal Ref: APP/J4525/W/16/3159550 Havannah Farm, Springwell Road, Springwell, Gateshead NE9 7YT</p> <ul style="list-style-type: none"> • The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission. • The appeal is made by Mr Jack Coupe against the decision of Sunderland City Council. • The application Ref 15/02291/FUL, dated 11 November 2015, was refused by notice dated 3 May 2016. • Delegated Decision - REFUSE • The development proposed is new detached garage and conversion of existing garage to residential dwelling. <p><u>Main Issues</u></p> <ul style="list-style-type: none"> • Whether or not the proposal would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework); • The effect of the proposal on the openness of the Green Belt; • Whether acceptable living conditions would be provided for both future occupiers of the converted garage and occupiers of the adjacent dwellings at Havannah Farm and the Old Barn with particular regard to privacy. • Whether acceptable living conditions would be provided for future occupiers of the converted garage with particular regard to external amenity space. • Whether future occupiers would have acceptable access to services and facilities. • If the development is inappropriate, whether the harm to the Green Belt by way of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special 	Dismissed
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	<p>circumstances necessary to justify the development.</p> <p><u>Reason for Decision</u></p> <p>Paragraph 89 of the Framework establishes that new buildings within the Green Belt are inappropriate unless, amongst other things, it involves an extension of a building and that extension would not result in disproportionate additions over and above the size of the original building or, it comprises limited infilling or partial redevelopment of previously-developed land which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. Framework paragraph 90 sets out that some other forms of development are not inappropriate, including the re-use of existing buildings provided that they are of permanent and substantial construction, preserve the openness of the Green Belt and would not conflict with the purposes of including land in the Green Belt.</p> <p>The proposed conversion of the garage to a separate dwelling falls to be assessed against the provision of paragraph 90. Whilst there was no dispute that the existing building is of permanent and substantial construction, the Council had an issue in terms of openness, referring to proposed dormer windows and potential domestic paraphernalia. In dealing with the latter point first, since things such as washing lines and garden furniture are not part of the building itself, they are more to do with (in the Inspectors opinion) character and appearance, a quite separate matter to openness.</p> <p>In relation to the dormer windows, again their impact in terms of character and appearance was a separate matter in this particular context.</p> <p>However, in terms of the openness of the Green Belt, although the increase in volume and thus the size of the building as a consequence of the proposed dormers was considered to be modest, they would, nevertheless, mean that this part of the Green Belt would be marginally less open than it is at the moment, the concept of Green Belt openness not necessarily being confined to the footprint of a building (Inspectors opinion). As such, the Inspector considered that this element of the scheme would comprise inappropriate development in the Green Belt.</p>	
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	<p>Consequential upon the proposed conversion was the erection of a replacement garage building. The appellant's position was that this element of the proposal constitutes an extension to the existing spread of buildings that would not amount to a disproportionate addition and did not, therefore, constitute inappropriate development. Contrary to this, the Council argued that the proposed replacement garage would constitute an outbuilding outside the curtilage of the farmhouse on a greenfield site. It stated that the proposal should not be regarded as an extension and accordingly would constitute inappropriate development.</p> <p>The Council set out the planning history of the site, which was undisputed by the appellant. This confirmed that there have been various extensions undertaken to the original farmhouse and also that the existing garage subject to the current appeal was erected at some time since 1997.</p> <p>The Inspector argued that depending on the relationship with the original dwelling, a detached outbuilding could be regarded as an extension to it for the purposes of considering compliance with Green Belt policy. The existing garage was directly linked to the side garden of the farmhouse by a series steps and as such is closely physically related to the house. The Inspector considered it to constitute an extension to the dwelling in the context of Green Belt policy.</p> <p>Whilst no dimensions of the original farmhouse were provided for comparative purposes, it was clear that it has been extended in the past. The submitted drawings showed that the proposed garage would be relatively large and capable of accommodating several vehicles. The annotated measurements indicated a footprint of some 13.277 x 7.125 metres, with a flat roof height of around 2.575 metres. The proposed garage was also linked via its roof terrace to the side garden area of the farmhouse and appeared to the Inspector to be an extension to the dwelling in the context of Green Belt policy.</p> <p>Taking those previous extensions into account, including the garage to be converted, in addition to the new garage building proposed, the Inspector was in no doubt that the cumulative increase over and above the size of the original farmhouse was disproportionate. Even if he were to have considered the garage building</p>	
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	<p>as limited infilling, its size means that there would be a material reduction in the openness of this part of the Green Belt. Either way, the building proposed comprises inappropriate development.</p> <p>To conclude on this issue, the Inspector found that both elements of the proposal comprise inappropriate development in the Green Belt. There would be conflict, in this regard, with the provisions of the Framework.</p> <p><u>Openness</u></p> <p>As part of the assessment as to whether the scheme is inappropriate development or not, the Inspector has already assessed openness in relation to the proposed conversion, and in relation to the proposed garage under the criteria relating to infilling. Looking at the proposed garage as an extension, it would introduce a substantial building onto a part of the site that is currently free from built development. As a consequence, this part of the Green Belt would be less open than it is at present. The Inspector was mindful, in this regard that, as set out at paragraph 79 of the Framework, one of the essential characteristics of the Green Belt is its openness. He was also mindful that visual impact is implicitly part of the concept of openness. Notwithstanding that the garage would have a flat roof (with railings on top) and the presence of a mature boundary hedge, it would, nevertheless, be clearly visible from Springwell Road around the wide open access point to the site. From here the garage would interrupt views over open fields in a south-westerly direction. Accordingly it would have an adverse impact on the openness of the Green Belt in visual terms.</p> <p>The appellant argued that it would be possible to park large vehicles on the site of the proposed garage which would result in a greater impact on openness. However it was the view of the Inspector that any such parking would be transient in nature and would not have the material impact on openness that a permanent building would. In any event such parking could still occur and be visible in other parts of the site if the garage were to be constructed.</p> <p>The proposal would therefore be in conflict with the Framework insofar as it seeks to protect the openness of the Green Belt.</p>	
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Privacy

It was apparent from the Inspectors visit that the proposed converted dwelling would face habitable rooms at close range in the residential property known as the Old Barn, situated opposite the appeal site. Accordingly there would be a mutual loss of privacy for residents.

The Council drew attention to its Residential Design Guide Supplementary Planning Document 2008, which although not part of the development plan provides further guidance on the application of Policy B2 of the City Of Sunderland Unitary Development Plan 1998 (UDP). Amongst other things, it seeks to secure separation distances between main facing windows of some 21 metres. In the appellant's view, the farm complex location of the appeal site would justify a more relaxed approach to separation distances between dwellings which would not be expected to be comparable to those within a residential estate. The Inspector acknowledged that tighter relationships between existing buildings may be justified where specific public benefits may accrue from the development. However the appellant did not make a compelling case that the development would justify a more relaxed approach to privacy.

The Inspector was not convinced either that the use of obscure glazing in the ground floor windows facing the courtyard is a practical suggestion in that it would have an adverse effect on outlook for future occupiers. It was suggested that future occupiers could erect a 2 metres high wall or fence to minimise overlooking under permitted development rights. However, it is usual with conversion schemes such as this to remove permitted development rights. In any event, leaving it to the choice of future occupiers would not guarantee the privacy of the neighbours. Furthermore, without the details of such development, the Inspector was unable to assess whether this would be achievable or what the impact would be on the living conditions of residents or on the character and appearance of the complex as a whole.

The appellant made the point that the adjoining neighbours have not objected to the proposal. However, the absence of an objection does not necessarily equate to support. Notwithstanding this, the

	<p>Inspector has a statutory duty to consider the impact of development including on future neighbours, even when no specific objection from third parties has been forthcoming.</p> <p>The dwelling proposed would also overlook the adjoining side garden and sun room of the 'host' dwelling, again compromising privacy. That property is occupied by the appellant and any shortcomings in this regard would be of his choice. Nevertheless, acceptable living conditions for future occupiers of the dwelling proposed and the host dwelling would not be provided given the intimate relationship between the two properties.</p> <p>The Inspector concluded that the proposal would not result in acceptable living conditions for both future occupiers and existing residents in terms of privacy. The proposal would therefore be in conflict with Saved Policy B2 of the UDP and the Framework which seek to achieve acceptable standards of privacy and protect the living conditions of residents.</p> <p><u>Living Conditions</u></p> <p>The proposed converted garage is situated immediately adjacent to garden areas that are associated with the original farmhouse and which lie outside the site boundary. The appellant suggested that future occupiers would have access to a courtyard area at the front of the property for external amenity purposes. However, from the Inspectors visit it was apparent that the area in question is effectively a wide open thoroughfare over which vehicles would pass to gain access to the wider farm site. This area, which is lacking in greenery and is overlooked by the Old Barn would not provide an attractive or practical private external space for future residents. The Inspector concluded that the proposal would not provide acceptable living conditions for future occupiers in terms of access to external amenity space. This would conflict with the Framework objective of seeking a good standard of amenity for future occupants.</p> <p><u>Access to Services</u></p> <p>A roadside footway with streetlighting connects the site with the nearby village of Springwell which would make it possible to walk from one to the other in a relatively short time. Although the route would not be universally</p>	
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	<p>regarded as convenient it does allow for an element of sustainable transport choice. However, whilst it is undisputed by the parties that Springwell contains some everyday facilities and services, the Council as part of its case refers to the nearest facilities being around 1 kilometre away from the site. The appellant has not challenged this point. Whilst there are bus stops in close proximity to the site the Inspector had not been provided with any details regarding service destinations or frequency.</p> <p>From the information provided, on balance the Inspector considered that future occupiers would be in a relatively functionally isolated location and that they would be heavily dependent on private transport in order to gain access to a range of essential services. Accordingly residents would not have an acceptable standard of access to day to day services and facilities.</p> <p><u>Other Considerations</u></p> <p>In support of the appeal, the appellant draws attention to the absence of objections from statutory consultees, other than the Council's Network Management Team, who object to the prospect of four properties being served from a private access as opposed to a public highway. In relation to the highway comments, the Inspector noted that this was not a reason for refusal and, on the basis of the evidence before me and my own observations at the site visit, the Inspector was not persuaded that this arrangement would result in any harm in terms of highway safety. That said, the absence of objections, or the absence of harm, does not attract positive weight in the overall balance.</p> <p>I note that whilst eleven letters of objection were received, none were from the occupiers of the dwellings within the complex here. However, that does not negate the concerns raised in the correspondence and, as noted above, the absence of any objection from nearby residents does not equate, necessarily, to support. As such, these matters are neutral in the planning balance.</p> <p>The appellant also refers to pre-application discussions with the planning officer in which, the Inspector understands, there was no indication that the scheme might be unacceptable in terms of its Green Belt location. However, the Council maintains that no formal pre-application was made, suggesting that the email correspondence relied on by the appellant provides no</p>	
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	<p>indication as to the acceptability of the proposal. The Inspector found no mention of the Green Belt in the correspondence and understood the appellant's frustration in this regard. That said, the correspondence does not state that the development proposed would necessarily be acceptable. In any event, it is well established that such advice is informal only and is not binding on formal consideration of an application by the Council. Again, that is not a consideration that carries any positive weight.</p> <p><u>Green Belt Balance and Conclusion</u></p> <p>The proposal comprises inappropriate development in the Green Belt which is, by definition, harmful to the Green Belt. There would also be a loss of openness. The Framework establishes that substantial weight is to be given to any harm to the Green Belt. In addition, I have found harm to the living conditions of existing residents and unacceptable living conditions for future occupiers.</p> <p>For the appeal to succeed, the combined weight of other considerations must clearly outweigh the totality of the harm arising. The Inspector considered the other considerations put forward but concluded that they do not carry any positive weight. The substantial harm caused by the inappropriateness of the development proposed, and the unacceptable living conditions that would arise is not, therefore, clearly outweighed by other considerations. Accordingly, the very special circumstances necessary to justify the development have not been demonstrated. Thus, for the reasons given above, the Inspector concluded that the appeal should not succeed.</p>	
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3.	<p>Appeal Ref: APP/J4525/W/16/3153157 Land at St Aidan's Terrace, West Herrington, Houghton le Spring DH4 4LZ</p> <ul style="list-style-type: none"> • The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission. • Delegated Decision – REFUSE • The appeal is made by Mrs Helen McCall against the decision of Sunderland City Council. • The application Ref 15/02148/OUT, dated 20 October 2015, was refused by notice dated 22 April 2016. • The development proposed is erection of single dwelling. <p><u>Procedural Matters</u></p> <p>The application for the proposed development is in outline with all matters reserved. A plan has been submitted showing an indicative layout of the dwelling on the appeal site which the Inspector took to be for illustrative purposes only.</p> <p>Because of a dispute between the parties over whether the appeal site is or is not in the Green Belt it is necessary to set out my conclusions on this matter before turning to the decision itself as the conclusion on this informs the main issues.</p> <p>Based on the <i>Sunderland Unitary Development Plan</i> (UDP) Proposals Map the site is not shown as within the Green Belt and as a result of this the Council's appeal questionnaire also stated the site is not within the Green Belt. However the site was included within the Green Belt in the <i>Tyne and Wear Green Belt Local Plan 1985</i> (TWGBLP) and it was put to the Inspector that in preparing the UDP Proposals Map the site was mistakenly excluded from the Green Belt as a result of a drafting error.</p>	Dismissed
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	<p>The Inspector was referred to case law specifically <i>Fox Land and Property Ltd v SoS CLG [2015]</i>, and <i>R (Cherkley Campaign Ltd) v Mole Valley DC [2014]</i> as relevant to the matter. The former concludes that the Proposals Map of a Plan is not in itself policy, but illustrates detailed policies and assists in understanding the geographical areas to which policies relate. The latter case concludes that to fully understand planning policies, it is permissible to consider supporting text and other illustrative material. In that respect it has been put to me that the supporting text to the UDP makes clear both the extent of the Green Belt in the vicinity of the site in paragraph 22.83 and in general illustrative terms in Figure 11.2 and makes clear at paragraph 11.25 where the Green Belt boundary, established by the TWGBLP, is to be changed by the UDP.</p> <p>With regard to the former the Inspector was not satisfied that the boundary description at paragraph 22.83 is sufficiently clear in itself to conclude that the site is intended to be in the Green Belt. However, notwithstanding the small scale of figure 11.2, the area east of West Herrington, including the appeal site, does seem to be within the Green Belt. It is also clear from the list of additions to and deletions from the Green Belt in paragraph 11.25 which areas are proposed to be changed and that the appeal site and its surroundings is not one of the proposed deletions from the Green Belt as defined in the TWGBLP in 1985. Therefore the Green Belt can be taken to include the appeal site as has been the case since 1985.</p> <p>In reaching a decision on this matter the Inspector also had regard to the <i>National Planning Policy Framework</i> (the Framework) at paragraph 83 which makes it clear that once boundaries are defined they should only be changed exceptionally. No exceptional justification is presented through the UDP regarding boundary changes in the vicinity of the site.</p> <p>Accordingly, unsatisfactory though the Proposals Map error is, the Inspector must consider all parts of the Development Plan when determining whether the site is or is not in the Green Belt. There is no evidence to support the view that there was any intention to amend the Green Belt as defined in the 1985 TWGBLP and to delete the site; nor any evidence of a process of review of the Green Belt in that area.</p> <p>The appellant has referred me to the case of <i>Hundal v</i></p>	
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	<p><i>South Bucks DC [2012]</i>, which established that where a Plan has been adopted without challenge all parties are entitled to proceed on the basis that the Plan has been lawfully adopted. Para 23 of the judgement quotes the then relevant PPG2, which states the importance of defining the Green Belt Boundary. The Inspector acknowledged that in the normal course of events it would be expected that the Proposals Map would be accurate. However, for the reasons above, the Inspector was not persuaded that the findings in the Hundal case bring me to any different conclusion. The Inspector was also referred to the fact that the Council, in preparing the local plan which will replace the UDP, is again considering whether to review the Green Belt boundary, including an area on the north side of Herrington Road. However this review process has not been completed and the fact that it may result in a future change to the Green Belt again did not lead him to a different conclusion with regard to the current status of the site.</p> <p>The Inspector therefore continued with the determination on the basis that the site is within the Green Belt.</p> <p><u>Main Issues</u></p> <ul style="list-style-type: none"> • Whether the proposal is inappropriate development in the Green Belt for the purposes of the Framework and development plan policy. • The effect of the proposed development on the openness of the Green Belt. • The effect of the proposed development on the character and appearance of Herrington Road and the countryside within the Green Belt. • If the development is inappropriate whether the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development. <p><u>Reasons</u></p> <p>The appeal site lies on the south side of Herrington Road in an open countryside setting just to the east of the ribbon of development in St Aidan's Terrace from which it is separated by a Public Right of Way. The triangular site forms part of a larger field parcel of grazing land extending southwards to Herrington Hill which is a Site of Special Scientific Interest. The site itself is relatively flat</p>	
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	<p>but the land to the south rises gradually to Herrington Hill. Herrington Road is developed on its north side by The Stables - a small residential estate.</p> <p><i>Whether the proposal would be inappropriate development in the Green Belt</i></p> <p>Paragraphs 89 and 90 of the Framework establish the circumstances in which development in the Green Belt would not be inappropriate and which amongst other things includes limited infilling in villages. The tests to be applied in this case are whether the proposal would be in a village and whether the proposal would constitute limited infilling.</p> <p>The site is outside the developed or built up area of West Herrington. Development on the south side of Herrington Road finishes at Mitford End, the last property in St Aidan's Terrace, which is separated from the site by trees, shrubs and the Public Right of Way. Infilling is normally taken to be the development of a small gap in an otherwise built up frontage. The development of a new dwelling in the location proposed would not meet this definition and would simply be development in an open countryside setting, albeit overlooked from development on the north side of Herrington Road. The proposal would be inappropriate development in the Green Belt, contrary to the Framework and UDP policy CN2 which establishes the Green Belt and its purposes and which, amongst other things, includes safeguarding the city's countryside from further encroachment. The proposal would also be contrary to UDP policy CN3 which restricts inappropriate development within the Green Belt consistent with the Framework.</p> <p><i>The effect of the proposal on the openness</i></p> <p>The Framework confirms that an essential characteristic of Green Belts is their openness. The construction of a new dwelling on the appeal site, by introducing new development into the Green Belt, would inevitably have a significant impact on its general openness.</p> <p>The appeal site and associated grazing land connects open countryside across the south side of West Herrington. The fact that development continues on the north side of Herrington Road a little further to the east than is the case on the south side of the road, does not reduce the role the appeal site plays in contributing to openness.</p>	
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	<p><i>Character and appearance</i></p> <p>As stated above the appeal site forms part of an area of grazing land backed to the south by a mature tree belt framing the lower slopes of Herrington Hill. As such the countryside provides an attractive landscape setting to West Herrington.</p> <p>Viewed from the approach to West Herrington from the East along Herrington Road the St Aidan's Terrace development is largely screened from view by trees and shrubs along the Public Right of Way particularly whilst the trees are in leave and the appeal site forms part of undeveloped countryside. The introduction of a new dwelling into this setting would appear as an incongruous encroachment. Moreover the visual impact of the dwelling in views eastwards along Herrington Road leaving the village would be equally damaging by introducing development east of the Public Right of Way. The Inspector acknowledges the intention to design the property to be in keeping with the scale of development in St Aidan's Terrace but this would not overcome the harm to the open countryside setting.</p> <p>It was put to the Inspector that the intention would be to landscape the south/south-eastern boundary of the appeal site and that the opportunity exists to enhance tree planting as part of the Great North Forest on land within the ownership of the appellant. However the Inspector was not persuaded that boundary landscaping would make any material difference at least for some considerable time given the open countryside setting. With regard to the opportunity to enhance the Great North Forest in accordance with UDP policies CN15 and CN16 no such specific proposal was put forward within the outline application.</p> <p>The addition of a new house, even restricted in height, would impact significantly on local views and urbanise and change the character and appearance of the countryside setting to West Herrington. The presence of street lighting and The Stables development on the north side of the road does not of itself create an urban character warranting further development. As such the proposal would be contrary to UDP policies CN5 and B2 which, respectively, safeguard the visual amenity of the Green Belt and seek to ensure that the design of new development respects and enhances the best qualities of the locality.</p>	
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	<p><i>Other Considerations</i></p> <p>It was put to the Inspector that the proposal would bring social and economic benefit by adding to the provision of housing locally in a sustainable location and that the Council cannot demonstrate a 5 year supply of housing which is deliverable. Therefore in terms of paragraph 49 of the Framework the housing policies of the UDP should not be considered up to date and in these circumstances the presumption in favour of sustainable development applies and paragraph 14 of the Framework is engaged.</p> <p>The Sunderland Strategic Housing Land Availability Assessment 2016, albeit in draft, indicates that in excess of 5 years' supply of deliverable and developable housing sites can be delivered between 2016 and 2021. No specific evidence has been submitted to support the appellant's assertion that there would be a shortfall. In any event even if there was a shortfall leading to an inability to demonstrate a 5 year supply, the footnote to paragraph 14 of the Framework makes it clear that this does not constitute a reason to set aside specific policies of the Framework indicating that development should be restricted (including those relating to the Green Belt).</p> <p>Notwithstanding the modest social and economic benefits which could be secured from construction of an individual house, the Framework adopts a wide definition of sustainability. Indeed, it makes clear at paragraph 6 that regard must be had to the document as a whole in determining what the concept means in practice. Paragraph 8 of the Framework states that all economic, social and environmental gains should be sought jointly. In terms of paragraph 9 of the Framework, and for the reasons given above, the taking of an area of Green Belt countryside for development would not be a positive improvement in the quality of the built and natural environment. In this case, the proposal would not be sustainable development in the terms of the Framework.</p> <p>The Inspector notes that some other aspects of the development which have been matters of concern to third parties, including access arrangements, traffic, and residential amenity have been deemed by the Council to be acceptable subject to control at the reserved matters stage through appropriate conditions. However planning appropriately for these aspects and ecological and contamination issues, which the Council also considers can be controlled by conditions, is a prerequisite of any proposed development and is therefore neutral in terms</p>	
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	<p>of the weight that the Inspector can attach in favour of the development.</p> <p><u>Conclusion</u></p> <p>The Inspector concluded that the site is within the Green Belt and the proposal would be inappropriate development contrary to the Framework and the UDP. There would also be a loss of openness in the Green Belt and harm to the character and appearance of West Herrington and adjoining countryside. Together these factors constitute significant material harm to the Green Belt to which the Inspector attached substantial weight.</p> <p>For the reasons given above the 'other considerations' would be insufficient to clearly outweigh the harm to the Green Belt. Therefore the very special circumstances necessary to justify inappropriate development in the Green Belt do not exist. Accordingly the appeal should be dismissed.</p>	
4.	<p>Appeal Ref: APP/J4525/W/16/3162537 Land adjacent to 16 Queen Alexandra Road, Sunderland, Tyne and Wear Grid Ref Easting: 440470 Grid Ref Northing: 554763</p> <ul style="list-style-type: none"> • The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission. • The appeal is made by Mrs Lindsey Thompson against the decision of Sunderland City Council. • The application Ref 16/00440/FUL, dated 15 March 2016, was refused by notice dated 30 June 2016. • The development proposed is 'erection of 3 storey dwelling house and garage.' • Delegated Decision – REFUSE 	Dismissed

	<p><u>Procedural Matter</u></p> <p>The address given on the application form is Queen Alexandra Road. However, it is clear from the submitted plans and appeal form that the appeal relates to land adjacent to 16 Queen Alexandra Road. The Inspector therefore took the full appeal site address from the appeal form rather than the application form.</p> <p><u>Main Issue</u></p> <p>The main issue is the effect of the proposed development upon the character and appearance and biodiversity of the area.</p> <p><u>Reasons</u></p> <p>The appeal site is open space located in a predominantly residential area on the north side of Queen Alexandra Road, a wide street with mature trees set in grass verges on both sides. The site is opposite the junction with the southern section of Woodstock Avenue. A public footpath leading to the northern section of Woodstock Avenue and the shops and services on Ryhope Road runs along the western boundary of the site. The houses on the northern section of Woodstock Avenue overlook the road and the public footpath, and have a strong front building line set behind front gardens with low boundaries. The 4 early mature cherry trees and well maintained grass give the appeal site a verdant appearance and the low timber fence along its western and southern boundaries allows views across it, thus providing an attractive setting to the pedestrian route and making a positive contribution to the street scene of both Queen Alexandra Road and the northern section of Woodstock Avenue.</p> <p>The proposed development would be a substantial detached 2 storey house with accommodation in the roof and an attached single garage to the eastern elevation.</p> <p>The infill development at 20 Queen Alexandra Road to the west of the appeal site is located to ensure that the side gable does not extend forward of the front south west corner of the house at 32 Woodstock Avenue, immediately to the north, thereby respecting the building line along the street. By contrast, the side and much of the rear elevation of the proposed dwelling would project significantly forward of the front building line formed by the semi-detached pair of houses at 17 and 19</p>	
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	<p>Woodstock Avenue to the north east of the appeal site. This would have the effect of closing what is currently an attractive open vista from both the north and south, and the development would effectively turn its back on Woodstock Avenue contrary to the prevailing urban form.</p> <p>The submitted plans indicate that a 1.8m high fence would be erected along approximately 14m of the boundary with the public footpath. Although this fence would be of a similar height to the side boundaries of the adjacent houses at Nos 16 and 19, it would not reflect the open nature of the existing front boundaries along the public footpath and Woodstock Avenue, and would further exacerbate the enclosing effect of the proposed development identified above. As such, it would reduce the attractiveness and appeal of the public realm and pedestrian environment.</p> <p>All the existing trees on the site would be removed. The submitted tree survey and arboricultural assessment conclude that, with the exception of tree T3 in the south east corner of the site, the trees are in good condition and provide landscape amenity to the immediate area. Although replacements are shown on the submitted drawings they would not be of the same size as the existing trees and, due to the considerable footprint of the proposed dwelling, would be set in a much smaller area. Consequently the proposed development would significantly reduce the contribution the site makes to the landscape quality of the street scene.</p> <p>The arboricultural assessment states that the trees on the appeal site do not provide the features required by roosting bats. However, no investigations or desk based studies have been carried out. The Inspector noted that the Council validated the application without an ecology survey, and that the Council's delegated report does not make reference to any consultation response from an ecology specialist. Notwithstanding this, although the appeal site is located in a residential area, it is nevertheless within a wildlife corridor and therefore the loss of the trees and the development of a significant part of the site could have an adverse effect upon biodiversity. Based upon the limited evidence before me, the Inspector was not satisfied that the appeal scheme would put in place adequate measures to avoid or mitigate potential adverse effects upon biodiversity.</p> <p>The appellant states that the appeal site is in private ownership and could, under permitted development</p>	
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	<p>rights, be enclosed by a 2m high wall or fence. It is further stated that, because the site is not in a Conservation Area and they are not subject to a Tree Preservation Order, the trees could be removed without consent. However, there are no details before me to show in what way the site could be enclosed without the need to apply for planning permission. Furthermore, the Inspector had no substantive evidence to indicate that the site would be enclosed in such a way or that the trees would be removed should the appeal be dismissed. The Inspector therefore attached very little weight to these matters.</p> <p>The Inspectors attention was drawn to a newly built detached house to the south of the appeal site. I have not been provided with details of the planning history of this scheme. However, based upon the submitted evidence, whilst the development may be similar in design and scale to the appeal proposal it differs considerably in terms of its situation. Whereas the appeal site is located in a prominent position adjacent to a road and public footpath, the other site is surrounded by buildings and has no road frontage and is therefore far less conspicuous. As such, the circumstances of that scheme are not directly comparable with the proposed development and therefore I have afforded it limited weight. In any event, the Inspector must determine the appeal on its own merits.</p> <p>Overall, the siting, scale and design of the appeal proposal would fail to respect the established development pattern in the surrounding area and would appear as an excessively dominant, oppressive and incongruous feature when viewed from Queen Alexandra Road, both the northern and southern sections of Woodstock Avenue and the public footpath that bounds the site. Also, the loss of the open space and trees would significantly erode the spacious and verdant nature of the site, and would potentially result in the loss of habitat.</p> <p>For the reasons set out above, the Inspector concluded that the proposed development would have a harmful effect upon the character and appearance of the area and could have a harmful effect upon the biodiversity of the area. As such, it would conflict with the design, landscape and nature conservation aims of UDP Policies B2, B3, CN17, CN18, CN22, CN23 and R1.</p> <p>The first reason for refusal set out on the Council's decision notice cites conflict with UDP Policies H1 and H8 which relate to new housing development and windfall</p>	
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	<p>sites. UDP Policy H1 sets out a number of criteria for the provision and location of new housing and seeks to secure the re-use of vacant and derelict land wherever possible, in accordance with the 8th core planning principle set out in paragraph 17 of the Framework. UDP Policy H8 stipulates that proposals for housing development on windfall sites must normally be in accord with other policies and proposals of the development plan. The appeal site is not previously developed land and the proposed development would fail to accord with a number of development plan policies as set out above. As such, the Inspector found that the appeal proposal would also conflict with the aims of Policies H1 and H8 of the UDP in these regards.</p> <p>The Council made reference to conflict with UDP Policy EN10 in the second reason for refusal set out on the decision notice. However, the Inspector noted that this policy states that, where the plan does not indicate any proposals for change, the existing pattern of land use is intended to remain and that proposals for development in such areas will need to be compatible with the principal use of the neighbourhood. The appeal site is located in a predominantly residential area and the proposed development is a house. The Inspector therefore did not find conflict with UDP Policy EN10.</p> <p>In addition to the development plan policies referred to above, the Inspector had regard to the presumption in favour of sustainable development set out in paragraph 14 of the Framework, to the core planning principles which the Framework sets out in paragraph 17 and to the policy aims in respect of building a strong, competitive economy, promoting sustainable transport, delivering a wide choice of high quality homes, requiring good design, promoting healthy communities and conserving and enhancing the natural environment set out in Parts 1, 4, 6, 7, 8 and 11 of the Framework.</p> <p>For the reasons set out above, the proposed development would not create a high quality built environment and would fail to protect and enhance the natural environment as required by the social and environmental roles set out in paragraph 7 of the Framework. The three dimensions of sustainable development are mutually dependent, and the Inspector considered that the conflict with the social and environmental dimensions would outweigh any positive contributions the appeal proposal would make towards the economic dimension through the provision of an</p>	
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	<p>additional dwelling house in a residential area within walking distance of shops, services and public transport facilities. As such, the proposal would not constitute sustainable development when assessed against the policies contained within the Framework as a whole.</p> <p><u>Other Matters</u></p> <p>The appeal site has a pedestrian access gate on the western boundary with the public footpath. During the site visit the Inspector did not observe anyone using the site, although the representations from local residents were noted which state that it is used by local children for informal play. However, there is a large recreational play area located within walking distance of the appeal site on Westheath Avenue. As such, the appeal proposal would not significantly reduce the opportunities for informal recreation in the local area. Nevertheless, this relatively minor matter did not persuade the Inspector to find the appeal scheme acceptable overall.</p> <p><u>Conclusion</u></p> <p>For the reasons given above, and having regard to all other matters raised, the Inspector concluded that the appeal should be dismissed.</p>	
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