

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

**AGENDA**

**Extraordinary Meeting to be held in the Council Chamber on  
Wednesday, 28<sup>th</sup> March, 2018 at 4.00p.m.**

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

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

Civic Centre,  
SUNDERLAND.

20<sup>th</sup> March, 2018



# Item 3

## Development Control (South Sunderland) Sub-Committee

28th March 2018

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### REPORT ON APPLICATIONS

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

##### PURPOSE OF REPORT

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

##### LIST OF APPLICATIONS

Applications for the following sites are included in this report.

1. 17/01761/FUL  
Sunderland Church High School Mowbray Road Sunderland SR2 8HY
2. 18/00038/FUL  
18 Halvergate Close Sunderland SR4 8DW
3. 18/00132/FUL  
4 Hunworth Close Sunderland SR4 8ET
4. 18/00151/FUL  
71 Park Lea Sunderland SR3 3SZ

##### COMMITTEE ROLE

The Sub Committee has full delegated powers to determine applications on this list. Members of the Council who have queries or observations on any application should, in advance of the above date, contact the Sub Committee Chairperson or the Development Control Manager (0191 561 8755) or email [dc@sunderland.gov.uk](mailto:dc@sunderland.gov.uk).

## **DEVELOPMENT PLAN**

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

### **Unitary Development Plan - current status**

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

## **STANDARD CONDITIONS**

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

## **SITE PLANS**

The site plans included in each report are illustrative only.

## **PUBLICITY/CONSULTATIONS**

The reports identify if site notices, press notices and/or neighbour notification have been undertaken. In all cases the consultations and publicity have been carried out in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

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

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

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

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

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

Peter McIntyre

Executive Director Economy and Place

**Reference No.:** 17/01761/FUL Full Application

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

**Location:** Sunderland Church High School Mowbray Road Sunderland SR2 8HY

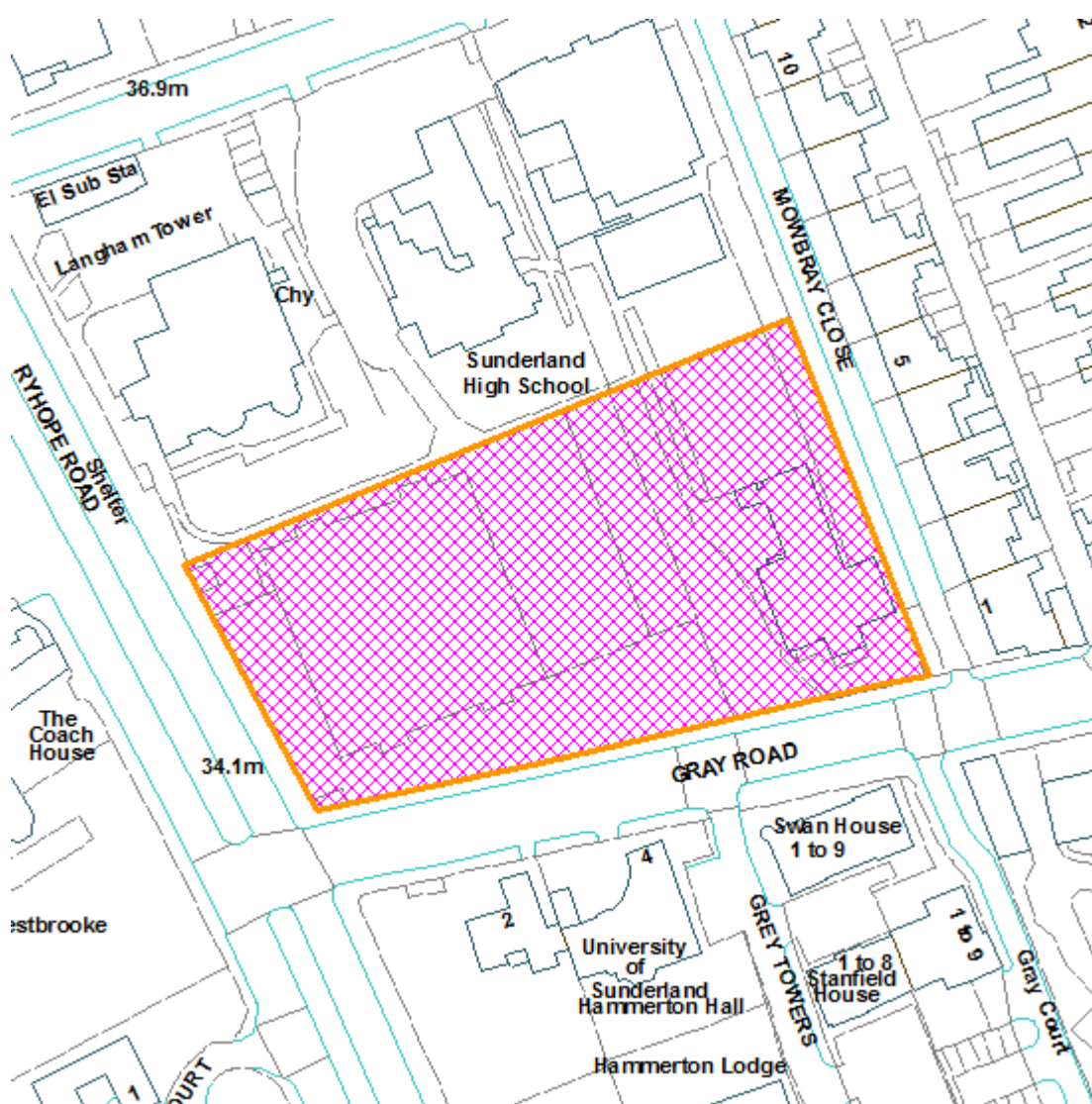
**Ward:** Hendon

**Applicant:** Your Life Management Services Ltd

**Date Valid:** 11 September 2017

**Target Date:** 11 December 2017

### Location Plan



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## PROPOSAL:

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

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

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

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

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

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

- o Plans, including visualisations
- o Planning and Heritage Statement
- o Design, Access and Sustainability Statement;
- o Ecological / Tree Reports
- o Geo-Environmental Reports
- o Viability Assessment
- o Lighting Assessment
- o Archaeological Assessment

- o Statement of Community Involvement;
- o Flood Risk Assessment;
- o Housing Needs Report;

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

## **TYPE OF PUBLICITY:**

Press Notice Advertised  
 Site Notice Posted  
 Neighbour Notifications

## **CONSULTEES:**

Historic England  
 Hendon - Ward Councillor Consultation  
 Network Management  
 Environmental Health  
 Tyne And Wear Archaeology Officer  
 Fire Prevention Officer  
 Southern Area Command - Police  
 Flood And Coastal Group Engineer  
 Northumbrian Water  
 Sport England

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

## **REPRESENTATIONS:**

Public Consultation

Pre-Submission

A public exhibition was held at the nearby Bethany City Church on 06 June 2017. Invitations were distributed to over 1000 households, businesses and stakeholders in the immediate vicinity. 31 individuals visited the event, who were encouraged to submit feedback. Overall, feedback showed 91% support for the proposal with 9% against. Of the concerns raised these mainly related to the proposed impact of the development on the surrounding landscape. Local residents said they were keen for the site to respect its surrounding heritage and maintain the visibility of Langham Tower. Concerns were also raised about parking congestion that could possibly occur on surrounding roads as a result of relatives paying visits to the development.

Post Submission

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

Consultees

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

#### Historic England

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

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

#### County Archaeologist

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

#### Northumbrian Water

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

#### Sport England

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

### **POLICIES:**

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

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



## COMMENTS:

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

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

### Habitat Regulations Assessment (HRA).

The United Kingdom is bound by the terms of the Council Directive 79/409/EEC on the Conservation of Wild Birds (the Birds Directive) and the Council Directive 92/42/EEC on the conservation of natural habitats and wild flora and fauna (the Habitats Directive). These are implemented in the UK through the Conservation regulations which provide for the protection of areas of European importance for wildlife, in the form of Special Areas of Conservation (SAC's) designated under the Habitats Directive, and Special Protection Areas (SPA's) designated under the Birds Directive. Collectively, these are termed European sites, and overall network of European sites is termed Natura 2000. It is an offence under the legislation and regulations to carry out an act which may damage a qualifying species or habitat for which the site is designated. A Habitat Regulation Assessment (HRA) is the mechanism to be implemented to ensure the above legislation is complied with and determines whether a plan or project would adversely affect the integrity of any European site in terms of its conservation objectives. Where adverse effects are identified alternative solutions should be identified and the plan or project modified to avoid any adverse effects. The LPA, as the Competent Authority, can adopt the plan or approve the project only after having ascertained that it will not adversely affect the integrity of a European Site. Policy CN19 of the UDP requires the protection of designated and proposed European and Ramsar sites and accordingly, a HRA Screening Opinion accompanies the application. The information submitted concludes that as there are a number of substantial parks and recreational spaces closer to application site than the European Sites (which are at their closed 1.8KM away) it is more likely that any new residents will be attracted to these, in part due to the elderly nature of the residents and as such, there will be no significant impact. On this basis, the proposals can be screened out from proceeding to full Appropriate Assessment under the Habitats Regulations.

### Principle of Development

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

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

From a local perspective, the site of the High School is not allocated for any specific land use in the Unitary Development Plan (UDP) and as such, is subject to policy EN10. This policy dictates that where the UDP does not indicate any proposals for change, the existing pattern of land use is intended to remain. Therefore, proposals for development in such areas must be compatible with the principle use of the neighbourhood. Also, from a housing-specific perspective, local policies H1 and H4 are of particular relevance. These seek to secure the re-use of vacant and derelict land wherever possible by permitting developments which reflect the density and character of the area. To conclude in very general terms therefore, the re-use of the land for residential purposes in a predominantly residential area is indeed acceptable in principle.

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

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

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

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

131. In determining planning applications, local planning authorities should take account of the desirability of new developments, making a positive contribution to local character and distinctiveness.

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

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

137. Local planning authorities should look for opportunities for new development within Conservation Areas and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.

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

B4 All development within and adjacent to conservation areas will be required to preserve or enhance their character or appearance. To this end the council will issue planning/design guidance for the various areas from time to time.

B6 the council will preserve and enhance the character or appearance of conservation areas; measures will include:-

- (i) encouraging the retention of existing buildings and the improvement of features, open spaces, historic street patterns and plot boundaries;
- (ii) (encouraging the retention of existing mature trees;
- (v) giving special attention to the preservation of important views into and out of the area;

B10 the city council will seek to ensure that development proposals in the vicinity of listed buildings do not adversely affect their character or setting.

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

All forms of new development should:-

- o Preserve and reinforce the distinctive pattern of historic development, including street patterns, open spaces, plot boundaries and boundary treatments.
- o Preserve and reinforce the distinctive landscape character of the area. Any new landscaping should be designed as an integral part of the overall development, providing an attractive setting for the new buildings whilst also respecting the existing landscape.
- o Relate well to its specific site, taking into account the physical constraints, such as the positioning of trees. The building(s) should sit within the site in a sensitive and elegant way.

- o Maintain key views and vistas within, into and out of the conservation area.
- o Preserve the landscape setting of key Ashbrooke villas and terraces and other buildings of historic importance.
- o Reinforce the distinctive architectural character of the conservation area through an informed understanding of distinctive building forms and styles, features and materials. Pastiche forms of development and the superficial echoing of historic features in new buildings should be avoided
- o Reinforce the scale and massing of surrounding buildings. Terraced housing is the main building type in Ashbrooke and generally 2-3 storeys high. It is essential that new development is not out-of-scale with existing buildings by way of its height, floor levels, size of windows and doors and overall bulk.
- o Reinforce existing building lines and the orientation of existing development. The predominance of terraces in Ashbrooke gives a strong alignment of building frontages and this should be respected by new development.

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

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

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

The land to the rear of St Cuthbert's Hall is less sensitive and has more potential for a substantial amount of new development. The siting of the main block of the care home in this location is therefore considered on balance to be the least intrusive option. A linear north-south block in this

part of the site also responds to the historic terraces to the east, and more specifically Mowbray Close opposite.

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

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

In view of the relative plainness of the architecture it is imperative that high quality materials are used, in particular the main elevations and roofing materials, and windows and doors. These must respect and relate to the materials that are evident in the established historic character of the surroundings; using natural slate for the roofs (at least the outward facing publicly visible roof planes), a good quality traditional looking brick and timber framed windows and doors. It would be preferable to use natural stone for the ground floors and projecting bays, or at least natural stone cladding. The images presented so far of the proposed artificial stone are not convincing. As such, samples of all external materials will be required for the approval of the conservation team, it is suggested that at least 3 sample options for the bricks and stones be provided for consideration. Sample panels of the agreed bricks and stones fully bedded and pointed will then also be required for approval on site. Full details of the windows and doors in the form of 1:10 scale drawings and section details will be required, along with a window sample or sample section of window, for approval.

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

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

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

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

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

On balance, therefore, it is considered that the range of economic, social and environmental benefits presented in the application warrant sufficient public benefit to outweigh the less than substantial harm of the proposal, and thereby satisfy the requirements of Paragraph 134 of the NPPF. For completeness, Historic England has been asked to comment further on the submission and as yet, a response is awaited. This will be reported on further in due course. As explained earlier in the report, whether or not the view expressed by Historic England to date changes, it must be remembered that ultimately, the decision to determine the application rests with the Local Planning Authority, who has to make a balanced judgement based upon all of the relevant policies and guidelines.

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

## Archaeology

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

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

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

## Residential Amenity

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

## Ecology / Trees / Wildlife

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

- o Inclusion of plants and shrubs of benefit to wildlife such as flowering, nectar rich or fruit bearing species.
- o Hedgehog domes, bat and bird boxes to be installed within the site boundary to account for the loss of sheltering opportunities for these species and will also provide enhancement.
- o Any lighting scheme proposed will avoid unnecessary light spill onto garden areas and boundaries,

- o Logs from tree works could be retained and placed within shrubbery post development to provide dead wood habitat for invertebrates and other wildlife.

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

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

#### Highways and Car Parking.

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

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

#### Flood Risk and Surface Water Drainage.

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

Policy EN12 states that:

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

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

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

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



can be secured via an appropriately worded condition, should Members be minded to approve the application.

#### Land Contamination.

Policy EN14 of the UDP relates to the ground conditions and states in part that:  
"Where development is proposed on land which there is reason to believe is either :

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

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

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

#### Loss of Playing Pitches / Courts.

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

#### CONCLUSION

Having fully considered the proposals, the Local Planning Authority has worked with the applicant to secure a number of improvements to the scheme, which result in it only having a minor harmful impact upon the significance of Langham Tower and character and appearance of this part of Ashbrooke Conservation Area. Furthermore, provided high quality and contextually appropriate external materials are used, then in view of the demonstrable public benefits of the scheme, the proposals are, on balance, considered to be acceptable and in accordance with all of the aforementioned policies, including the requirements of paragraph 134 of the NPPF.

As such, it is therefore recommended that if a response from Sport England has still not been received at the time of the meeting, then Members should be Minded to Delegate the application to the Executive Director of Economy and Place, who would be minded to approve the application subject to Sport England's response not raising any issues which have not already been addressed by the report as set out above, and subject to the draft conditions as set out below.

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

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

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

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

The LPA is committed to

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

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

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

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

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

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

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

**RECOMMENDATION:** DELEGATE to the Executive Director of Economy and Place, who is minded to APPROVE the application subject to receipt of consultation response from Sport England and subject to the draft conditions as set out below:

## Conditions:

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

2 Unless otherwise first agreed in writing with the Local Planning Authority, the development hereby granted permission shall be carried out in full accordance with the approved plans and documentation, including recommendations therein, In order to ensure that the completed development accords with the scheme approved and to comply with policy B2 of the adopted Unitary Development Plan.

3 CEMP Construction Environmental Management Plan  
No development shall take place until a site specific Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. The plan should include, but not be limited to:

- o Procedures for maintaining good public relations including complaint management, public consultation and liaison;
- o Arrangements for liaison with the Council's Pollution Control Team;
- o Mitigation measures as defined in BS 5528: Parts 1 and 2: 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works;
- o Hours of construction, including deliveries;
- o Control measures for dust and other air-borne pollutants;
- o Measures for controlling the use of site lighting whether required for safe working or for security purposes;
- o Erection and maintenance of security hoarding;
- o Operation, loading and unloading of plant and materials;
- o Storage of plant and materials used in constructing the development.

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

4 Notwithstanding any indication of materials which may have been given in the application, no works shall take place until a full schedule and samples of the materials and finishes to be used in all external surfaces, including, bricks, stone, artstone, slates, render, windows and doors, rainwater goods, and hard and soft landscaping materials have been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, these details shall include precise details of the windows and doors in the form of 1:10 scale drawings including cross-section details and window sample or sample section of window, for approval. Thereafter, the development shall not be carried out other than in accordance with the approved details; in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.

5 Once the materials pursuant to condition 4 have been approved in writing by the Local Planning Authority, sample panels of the agreed bricks and stones fully bedded and pointed shall then be constructed on site and approved in writing by the Local Planning Authority, prior to the commencement of any works. Thereafter, the development shall not be carried out other than in accordance with the approved details; in the interests of achieving a satisfactory form of development and to comply with policies B2 and B4 of the Unitary Development Plan.

6 Notwithstanding any indication of materials which may have been given in the application, no works shall take place until a drawing showing full elevational and sectional details of all boundary walls and railings throughout the site has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with these approved details; in the interests of achieving a satisfactory form of development and to comply with policies B2 and B4 of the Unitary Development Plan.

7 Prior to the commencement of any works (including demolition) to any boundary walls on site, a Method Statement from a reputable stone mason for part demolition of the boundary wall to Carlton House and the boundary wall to Gray Road, (including how walls will be carefully dismantled, stones salvaged and stored for reuse, the reconstruction of gate piers to Carlton House garden, and the construction of return walls for new entrance from Gray Road) shall be submitted to and approved in Writing by the Local Planning Authority. For the avoidance of doubt, these details shall include full details of where salvaged stone will be used in landscaping scheme, and details of mortar mix and finish of lime pointing to walls. Thereafter, the development shall not be carried out other than in accordance with the approved details In the interest of in the interests of achieving a satisfactory form of development and to comply with policies B2 and B4 of the Unitary Development Plan.

8 Once the details pursuant to condition 7 have been approved in writing by the Local Planning Authority, sample panels of the new return walls to Gray Road entrance, fully bedded and pointed, shall then be constructed on site and approved in writing by the Local Planning Authority, prior to the commencement of any works. Thereafter, the development shall not be carried out other than in accordance with the approved details; in the interests of achieving a satisfactory form of development and to comply with policies B2 and B4 of the Unitary Development Plan.

9 No demolition of the stone boundary walls shall take place until a programme of archaeological building recording has been completed, in accordance with a specification provided by the Local Planning Authority. A report of the results shall be submitted to and approved in writing by the Local Planning Authority prior to any development or demolition work taking place, in order to provide an archive record of the historic building or structure and to accord with paragraph 141 of the NPPF, Draft Core Strategy Policies E4 and E5and saved Unitary Development Plan Policies B11, B13 and B14.

10 No groundworks or development shall commence until the developer has appointed an archaeologist to undertake a programme of observations of groundworks to record items of interest and finds in accordance with a specification provided by the Local Planning Authority. The appointed archaeologist shall be present at relevant times during the undertaking of groundworks with a programme of visits to be agreed in writing by the Local Planning Authority prior to groundworks commencing, as the site is located within an area identified as being of potential

archaeological interest. The observation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, and , if necessary, emergency salvage undertaken in accordance with paragraph 141 of the NPPF, Core Strategy Policy 7.11, Policy DM7.8, Policy DM7.11, Policy DM7.12 and saved Unitary Development Plan Policies B11, B13 and B14.

11 The building(s) shall not be occupied / brought into use until the report of the results of observations of the groundworks pursuant to condition (10) has been submitted to and approved in writing by the Local Planning Authority, due to the site being located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, to accord with paragraph 141 of the NPPF, Core Strategy Policy 7.11, Policy DM7.8, Policy DM7.11, Policy DM7.12 and saved Unitary Development Plan Policies B11, B13 and B14.

12 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping and treatment of hard surfaces. For the avoidance of doubt, this shall include;

- o indications of all existing trees and hedgerows on the land;
- o details for their protection during the course of development,
- o details of the ongoing landscape management of the site; once the scheme is implemented in the interests of visual amenity and to ensure a satisfactory form of development is achieved and in order to accord with Policy CN17 of the Unitary Development Plan.

13 No removal of hedgerows, trees or shrubs or works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to and approved in writing by the Local Planning Authority, in order to ensure a satisfactory form of development is achieved and in order to accord with Policy CN17 of the Unitary Development Plan.

14 No development, demolition, earth moving shall take place or material or machinery brought onto the site until protective fencing and warning signs have been erected on site in accordance with the approved tree report . All protective fencing and warning signs will be maintained during the construction period in accordance with the approved details in order to ensure a satisfactory form of development is achieved in the interests of visual amenity and to comply with policy CN17 of the Unitary Development Plan.

15 Notwithstanding any approved documentation, where it is intended to create semi-natural habitats and undertake tree planting, all species used in the planting proposals shall be locally native species of local provenance unless otherwise agreed in writing with the Local Planning Authority, in order to ensure a satisfactory form of development is achieved in the interests of visual amenity and to comply with policy CN17 of the Unitary Development Plan.

16 Before the trees which are the subject of this application are pruned or felled, an ecological method statement setting out the works and providing details of the location, size and species of the replacement planting shall be submitted to and agreed with the Local Planning Authority along with a timescale for the replanting. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 "Tree Work", in the interests of visual amenity and to comply with policy CN17 of the Unitary Development Plan.

17 If any tree identified as being retained tree is removed, uprooted, destroyed or dies, another tree shall be planted at the same place and that tree shall be of such a size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority, in the interests of visual amenity and to comply with policy CN17 of the Unitary Development Plan.

18 All other planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the buildings or the completion of the development whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation, in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.

19 Prior to occupation, a "lighting design strategy for biodiversity" in light of the installation of bird, bat and mammal boxes shall be submitted to and approved in writing by the Local Planning Authority, in order to ensure a satisfactory form of development is achieved and in order to accord with Policy CN17 of the Unitary Development Plan.

20 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions number 21 to number 23 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition number 23 has been complied with in relation to that contamination.

Reason:

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

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

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to: human health, property (existing or proposed) including building, crops, livestock, pets, woodland and service line pipes; adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments.
- (iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11.'

Reason:

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

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

Reason:

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

23 The remediation scheme approved under Condition number 22 (Submission of Remediation Scheme) must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report, that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason:

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

24 In the event that contamination is found at any time when carrying out the confirmed development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition number 21 (Investigation and Risk Assessment), and when remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition number 22 (Submission of Scheme of Remediation), which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared which is subject to the approval in writing of the Local Planning Authority in accordance with condition number

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

Reason:

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

25 The development shall not commence above Damp-Proof Course Level until final details of the foul and surface water drainage have been submitted to and approved by the Local Planning Authority. For the avoidance of doubt, these details shall include the final details of the geocellular storage as it is to be constructed and to match detailed modelling, in accordance with the approved details to ensure satisfactory drainage to the site and to comply with policy B24 of the Unitary Development Plan.

26 The area indicated on the submitted plans for the parking and manoeuvring of vehicles shall be laid out in accordance with the approved plans before the building becomes operational. The area shall then be readily available for such use at all times thereafter and shall be used for no other purpose, in the interests of highway safety and to comply with policy T14 of the Unitary Development Plan.

27 Before the development, hereby permitted, is commenced a plan showing the provision of adequate facilities for the storage / / servicing / collection of refuse within the site shall be submitted to and approved by the Local Planning Authority, and shall be so installed and maintained thereafter in order to ensure a satisfactory form of development and to comply with policy EN1 of the UDP.

28 Notwithstanding the provisions of the current Town and Country Planning (General Permitted Development) Order, or in any statutory instrument revoking or re-enacting that Order, no satellite antenna shall be installed on the buildings or within the curtilage of the site without the prior written consent of the Local Planning Authority, in order that the Local Planning Authority may retain control over the development and to comply with Policy B4 of the Unitary Development Plan.



**Reference No.:** 18/00038/FUL Full Application

**Proposal:** Erection of a two storey side extension

**Location:** 18 Halvergate Close Sunderland SR4 8DW

**Ward:** St Annes

**Applicant:** Mr Daniel Minhinnett

**Date Valid:** 24 January 2018

**Target Date:** 21 March 2018

### Location Plan



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## **PROPOSAL:**

### **SITE DESCRIPTION**

The application site is a west facing two storey detached property situated within a predominantly residential area within south Sunderland. The properties to the south of the application site are arranged in an irregular manner with the southern boundary of the application site resulting in the host site sharing a boundary with 5 other properties. The properties within this area of the street are all of different designs and have differing footprints.

### **PROPOSAL**

The proposal relates to the erection of a two storey side extension to provide an additional bedroom at ground floor level along with an enlarged kitchen area and further bedroom with en-suite at first floor level. The proposed extension will not project beyond the front elevation of the original property at ground floor level and be set back at first level by approx. 0.325m. The proposal would incorporate a pitched roof with dropped ridgeline. The extension would extend along the full width of the property, extending out a further 3.1m from the rear elevation of existing single storey bedroom to the side of the property, thereby in-filling the existing recess area to the rear of the property. The extension will not project beyond the existing/original rear elevation of the host property.

### **TYPE OF PUBLICITY:**

Neighbour Notifications

### **CONSULTEES:**

St Annes - Ward Councillor Consultation  
Network Management

Final Date for Receipt of Representations: **15.02.2018**

### **REPRESENTATIONS:**

One letter of objection has been received from No. 19 Halvergate Close. The main grounds for opposing the development are as follows:-

1. Due to the height / size of the extension it is considered that the proposal will impact on the level of daylight/sunlight received into the rear garden area.

### **POLICIES:**

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

B2 - Scale, massing layout and setting of new developments

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

## COMMENTS:

### POLICY CONSIDERATIONS

In order to properly assess the proposal, due regard must be given to relevant national policies and the policies and guidance provided by the Council's Unitary Development Plan (UDP) and Household Alterations and Extensions Supplementary Planning Document (SPD), which have been formally adopted and therefore carry significant weight, as detailed under section 38(6) of the Planning and Compulsory Purchase Act 2004.

In view of the need to consider policy coverage beyond the UDP period, the Council sought a direction from the Secretary of State (SoS) which confirms agreement of the policies that are to be saved for a further period, pending formal adoption of the Local Development Framework (LDF). Accordingly, a list of the proposed 'saved' policies was submitted to the SoS - via Government Office for the North East (GO-NE). Confirmation of the saved policies and the direction provided by the SoS was received on the 4th September 2007, supporting the intention to maintain the extension of existing adopted policies to maintain continuity in the Development Plan, and ensure a stable planning framework locally, and a continual supply of land for development.

Subsequently, Annex 1: Implementation of the National Planning Policy Framework (NPPF), particularly paragraph 215, dictates that 'due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)'.

The relevant UDP policies are considered to be B2 (in relation to visual and residential amenity) and T14 and T22 (in relation to highway safety). Policy B2 is considered to be fully compliant with the NPPF whilst T14 and T22 are broadly compliant.

### ISSUES TO CONSIDER

In assessing the proposal the main issues to consider are the impact of the development upon:-

1. The appearance of the extension on the host property,
2. The impact of the extension on the residential amenities of the neighbouring properties, and
3. Highway safety.

Paragraph 17 of the NPPF sets out 12 core planning principles identified by the Government as being important. Within these principles, it is identified as being important that local planning authorities should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

As an expansion of this, paragraph 56 of the NPPF identifies that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development is indivisible from good planning and should contribute positively to making places better for people. Furthermore, paragraph 64 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Policy B2 of the Unitary Development Plan (UDP) requires the scale, massing, layout or setting of new developments and extensions to existing buildings to respect and enhance the best qualities of nearby properties and the locality and retain acceptable levels of privacy. The Household

Alterations and Extensions Supplementary Planning Document sets out detailed design guidance on domestic alterations and extensions.

Section 7 of the Household Alterations and Extensions SPD states that overly large extensions can affect the visual quality and appearance of the surrounding area. Successful extensions typically appear subservient to the original dwelling. The existing character and appearance of the dwelling should be retained. The style, roof pitch, windows and materials used on any extension should generally match and respect those present on the original dwelling.

In relation to side extensions the SPD states that these should be of a size that is no more than 50% of the overall width of the original dwelling. In addition, two-storey extensions should have a ridgeline which is lower than the host property and a front wall set back by not less than 1m from that of the original building, at least at first floor level.

In this case, the proposed extension will be 2.6m wide; which is less than 50% of the existing 7.9m wide front elevation of the original property, which is in compliance with the SPD in this respect. The extension is also set back at first floor level by 0.325m, incorporates a pitched roof and has a dropped ridge. In this regard, whilst it is acknowledged that the extension is not set back a minimum of 1m from the front elevation of the original dwelling it is nevertheless considered that an appropriate level of subordination would be created and in this instance a reduced set back is acceptable. Consequently, by virtue of the design of the proposed extension it is not considered that the proposal would appear as an over dominant addition on the frontage and ordinarily, an extension of this design and size which broadly accords with the aforementioned SPD would be acceptable in principle.

However, in this instance given the relationship of the host property with the properties to the south, notably No.19, whose rear elevation is already only approx. 7-8m away from the single storey attached garage of the host property (half the recommended distance stipulated in the SPD), it is considered that the proposal would represent an over bearing and oppressive form of development when viewed from the rear of No.19 and in this respect the proposed development fails to comply with section 7 of the SPD and policy B2 of the UDP.

Section 7 of the Household Alterations and Extensions SPD states that, following the erection of any extension, neighbouring properties, including gardens, should still have a reasonable level of privacy. Windows and balconies should be positioned so that they do not directly overlook into the windows of neighbouring homes or gardens.

The neighbouring property to the south, no. 19 Halvergate Close, is set at an obtuse to the application site so that the side elevation of the proposed development will face onto the rear garden of no. 19. The relationship between the two properties is such that the proposed development is not likely to result in a loss of outlook or privacy or give rise to unacceptable levels of overshadowing in respect of the neighbouring property at no. 19 Halvergate Close. In this regard the proposed development complies with section 7 of the SPD and policy B2 of the UDP.

Policies T14 and T22 of the adopted Unitary Development Plan 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. Appendix 1 of the SPD sets out the minimum standards for parking and vehicle hardstanding and requires that all proposals for extensions should ensure the retention of at least one car parking space on the site if one is available already. All proposals should retain a minimum driveway length of 5.5m between an 'up and over' garage door and the rear of the footway or service strip, or 5m between a roller shutter garage door (or the front elevation of the extension in this case) and the rear of the footway or service strip.

The application site currently has a driveway to the front of the property with a shared access which serves two other properties. The proposed extension will not project beyond the front elevation of the original dwelling and therefore the development would not pose any reduction in in-curtilage parking at the application site. As such the proposal would be acceptable from a highway safety point of view in compliance with policies T14 and T22.

## CONCLUSION

In situations where an unacceptable development is proposed by a planning application, the Council's practice is to invite the applicant to amend the proposal in a manner which will allow the Council to grant planning permission. Unfortunately, however in this instance given the relationship and proximity of the side boundary of the host property and rear boundary of No.19 it is not considered that the two storey side extension could be amended so as not to give rise to significant amenity concerns. A more appropriate form of development may be to extend the property to the rear however this would require the submission of a new planning application.

As set out above, it is considered that the size, scale and position of the proposed extension will mean it has a significant negative impact on the amenity of 19 Halvergate Close, for it will appear as a highly dominant and overbearing form of development from the rear windows and rear garden of this dwelling. The development would therefore fail to comply with the objectives of the NPPF, policy B2 of the Council's UDP and the Council's adopted 'Household Alterations and Extensions' SPD, all of which require new development proposals to maintain acceptable standards of amenity for existing residential properties.

The application is consequently recommended for refusal, for the reason set out below.

## Equality Act 2010 - 149 Public Sector Equality Duty

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

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

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

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

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

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

**RECOMMENDATION:** REFUSE, for reason set out below:

**Reason for refusal:**

1 The proposed development, by virtue of its size, scale and position, would appear as excessively overbearing and visually dominant from the rear windows and rear gardens of nos. 7 and 9 Halesworth Drive, to the detriment of their amenity and in conflict with the objectives of the NPPF, policy B2 of the Council's UDP and the Council's adopted 'Household Alterations and Extensions' SPD.

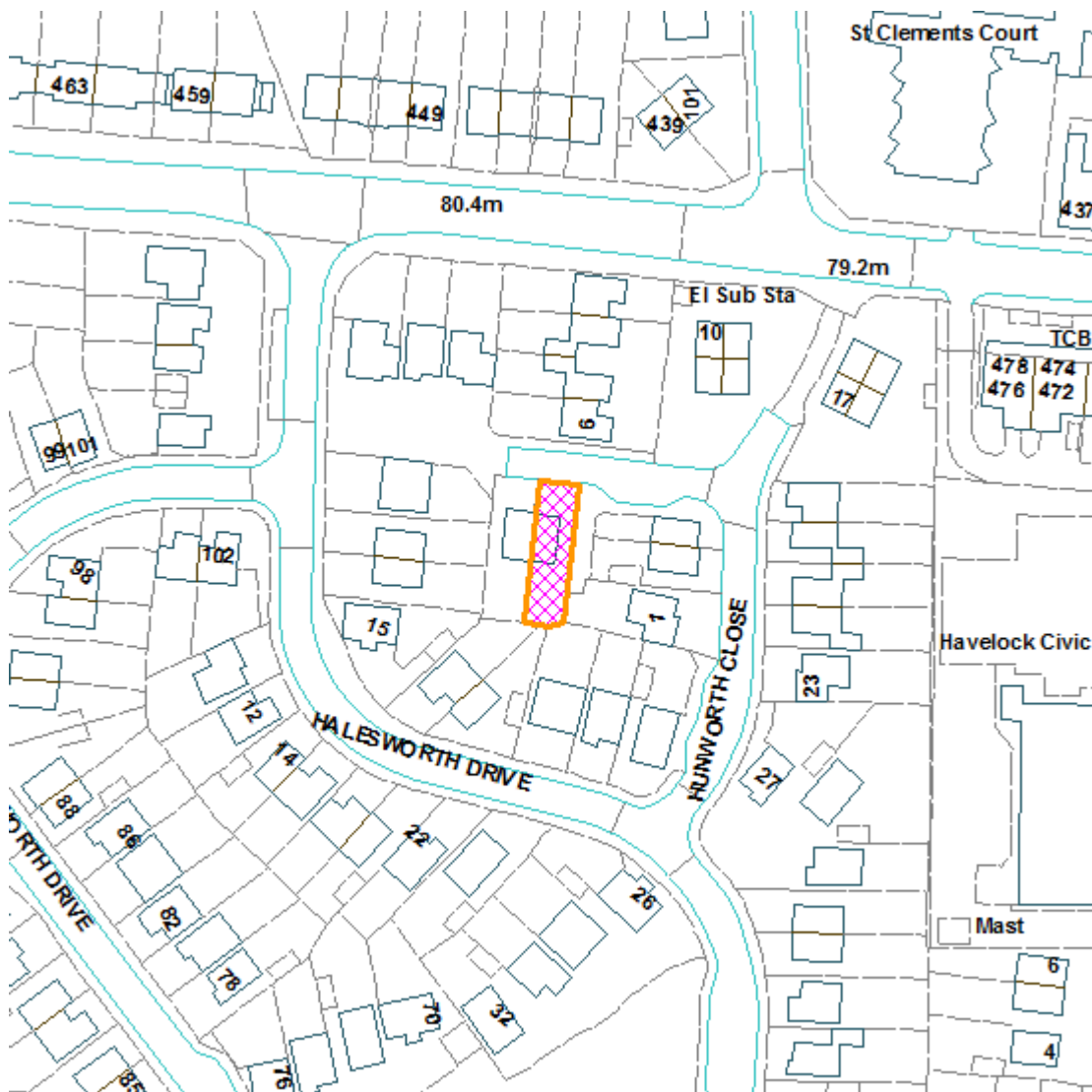
**Reference No.:** 18/00132/FUL Full Application

**Proposal:** Erection of a two storey side extension

**Location:** 4 Hunworth Close Sunderland SR4 8ET

**Ward:** St Annes  
**Applicant:** Mr Anthony Nelson  
**Date Valid:** 29 January 2018  
**Target Date:** 26 March 2018

### Location Plan



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## **PROPOSAL:**

The proposed development affects a two-storey dwelling standing on the south side of a cul-de-sac. The property is located within a modern housing development built on the site of the former Havelock Hospital. The property forms part of one half of a pair of dwellings which 'stand alone' in the street and do not form part of a longer row. The eastern gable end of the dwelling is faced by the rear elevations of 2 and 3 Hunworth Close. The host property benefits from a shared driveway to the east which separates the rear gardens of 2 and 3 Hunworth Close from the gable end of 4 Hunworth Close.

The application proposes the erection of a two-storey extension to the side of the property. The proposed side extension has a width of 3 metres (compared to the dwelling's width of 4.2 metres) and will be contained within the depth of the existing dwelling. The first floor of the front elevation would, however, to be set back 450mm from the dwelling's front elevation with an associated drop in ridge height.

The proposed side extension will provide additional kitchen space and a playroom to the ground floor and will provide additional bedroom space to the first floor. The ground floor will feature a kitchen window to the front and a playroom window to the rear, whilst the first floor will feature bedroom windows to the front and rear elevations. The side elevation will be blank.

## **TYPE OF PUBLICITY:**

Neighbour Notifications

## **CONSULTEES:**

St Annes - Ward Councillor Consultation  
Network Management

Final Date for Receipt of Representations: **21.02.2018**

## **REPRESENTATIONS:**

1 no. letter of objection has been received from the occupier of no. 2 Hunworth Drive. The following concerns have been raised:

- o Loss of light to garden and living room sooner in the day
- o Proposed rear upper floor window will overlook no.2s garden area
- o If driveway of no.3 is purchased by owner of no. 2 this area would be further overshadowed

With regard to the potential future purchase of no. 3's driveway, this would not be a material consideration with regard to this application. The current application would need to be considered in relation to the present arrangement.

The other matters which have been raised do constitute material considerations and as such will be addressed within the following section of this report.



## **POLICIES:**

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

B\_2\_Scale, massing layout and setting of new developments

T\_14\_Accessibility of new developments, need to avoid congestion and safety problems arising

T\_22\_Parking standards in new developments

## **COMMENTS:**

### **POLICY BACKGROUND**

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

On a local level, policy B2 of the Council's adopted UDP requires new development to respect visual amenity and maintain an acceptable standard of amenity to existing dwellings. The Council's adopted 'Household Alterations and Extensions' SPD provides more detailed guidance in respect of domestic development; it encourages a high standard of design to such proposals and reiterates policy B2's requirement that visual amenity and the amenity of existing dwellings is respected.

Also relevant are policies T14 and T22 of the Council's UDP, which, respectively, state that development proposals must not unacceptably prejudice highway and pedestrian safety and that development should be afforded an appropriate level of dedicated parking. To this end, Appendix A1.1 of the SPD sets out that domestic proposals should ensure the retention of at least one parking space at the site if one is available already and that this should measure a minimum of 5 metres in depth.

With regard to the local and national policy framework set out above, it is evident that in assessing the merits of the proposed development, the main issues to consider are:

- (1) the impact of the development on visual amenity;
- (2) its impact on the living conditions of existing neighbouring dwellings and
- (3) its impact on parking and highway and pedestrian safety.

### **1. Impact of development on visual amenity**

Section 7.3 of the 'Household Alterations and Extensions' SPD provides guidance and design advice on extensions to the side of dwellings. It states that two-storey side extensions should normally be designed so as to be subordinate to the host dwelling, usually achieved through setting the first floor of the extension back from the front of the original property and dropping the ridge line of its roof from the ridge of the main dwelling's roof. Such a design also assists in avoiding a 'terracing' effect, whereby the addition of two-storey extensions leads to the visual distinction between adjacent dwellings being lost. The SPD also advises that the width of

two-storey extensions should generally not exceed 50% of the width of the original dwelling, in order to ensure it does not dominate the property.

The proposed side extension at 73% is greater than the 50% width of the host dwelling advised within the SPD. However, given the 'stand alone' nature of the pair of dwellings and the varying house designs within the vicinity, it is considered that the proposal would not appear unacceptably incongruous or intrusive within the streetscene in this instance. The set back at first floor level and subsequent drop in ridge height should also ensure that the proposal would appear subordinate to the existing dwelling.

Furthermore the position of the dwelling in relation to neighbouring properties would ensure that any similar extensions within the street would not result in a 'terracing effect'

For the reasons set out above, it is considered that the proposed two-storey side extension will appear as an appropriate addition to the dwelling and will have an acceptable impact on the visual amenity of the locality, in accordance with the aims and objectives of the Household Alterations SPD, policy B2 of the adopted UDP and the core principles of the NPPF.

## 2. Impact of development on residential amenity

The proposed side extension would in-fill the drive to the side of the property. The drive associated with no. 3 would then be situated between the new gable end and the rear gardens of no. 3 and no. 4. Given this relationship, it is appropriate to consider the advice provided by section 7.0 of the SPD, which states that if an extension would have an overbearing or oppressive effect over neighbouring dwellings, it may be refused planning permission. To ensure acceptable spacing between new extensions and existing dwellings is maintained, Appendix A1.0 of the SPD recommends that a distance of 14 metres is provided between a main window and a side or end elevation which is blank or contains only a secondary window.

In this case, there is currently 15.2 metres between the rear elevations of 2 and 3 Hunworth Close and the gable end of the host property. This distance will reduce to 12.5 metres between the rear walls of the facing dwellings, which contain main living room windows to both first and ground floor levels, and the side elevation of the new extension.

It is acknowledged that the extension would be closer to the rear elevations of nos. 2 and 3 than the 14 metres distance advised within Appendix A1.0 of the SPD. It must be recognised, however, that this is a recommended interface distance - there may be cases where a lower separation distance would not result in any unacceptable demonstrable harm being caused to the amenity of neighbouring dwellings and in such circumstances, planning permission may still be granted.

In this case, the extension would be set back at the first floor and down from the existing roof line, an arrangement which serves, to a degree, to lessen the bulk of the extension, and it would also be set in 3 metres from the rear boundaries of nos. 2 and 3. Given this arrangement, which means the extension will not stand hard against the rear garden boundaries of nos. 2 and 3, and given that a considerable distance will still be retained between the extension and the rear elevations of nos. 2 and 3, it is considered that the extension would not appear as unacceptably overbearing when viewed from the rear windows or gardens of no's 2 and 3 to an extent that would warrant a refusal of planning permission in this instance.

With regard to the objection from the occupier of no. 2, it is acknowledged that the side extension will result in some additional overshadowing of the adjacent rear gardens, most likely during the afternoon, but it is considered that such overshadowing will not be excessive and will not be

unacceptable, particularly given the distance between the extension and neighbouring garden areas. Additionally, the absence of windows from the side elevation of the extension also means that the development does not give rise to any privacy concerns. In relation to the rear upper floor window, given the position of this window in relation to no. 2 and its rear garden, it is considered that it would not increase overlooking or impact negatively on no. 2's existing levels of privacy.

With regard to the above comments, the effect of the proposed development on the living conditions of neighbouring properties has been given careful consideration and for the reasons discussed, it is considered that the impact of the proposed development on the amenity of surrounding dwellings is acceptable, in accordance with the requirements of policy B2 of the UDP, the 'Household Alterations and Extensions' SPD and the core principles of the NPPF.

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

As noted above, the Council's 'Household Alterations and Extensions' SPD advises that domestic extensions should not erode off-street parking at a dwellinghouse to the extent that it is no longer possible to park a vehicle within the curtilage of the property in question.

At present, the property's driveway runs alongside its gable end and it appears capable of accommodating two vehicles to be parked 'in tandem' (i.e. one vehicle parked behind the other). The extension will in-fill the majority of this area, but a distance of approximately 5.2 metres will be maintained between the front of the extension and the edge of the carriageway of Hunworth Close.

The Council's Highways team has observed, however, that the driveway identified by the applicant's plans includes a strip of adopted highway, which takes the form of a hard-surfaced strip bordering the main carriageway adjacent to a shared grassed area to the front of 4 and 5 Hunworth Close. Although the area proposed to be used (and already being used) for the applicant's parking includes the adopted strip, this arrangement does not appear to give rise to any conflict with motorists or pedestrians - any vehicle would still be parked clear of the carriageway of Hunworth Close and the adopted strip does not form part of any footway or other pedestrian route. Consequently, it is considered that the proposed arrangement would still allow for a vehicle to be parked safely off the road and so would satisfy the requirements of the SPD.

It must also be recognised when considering such matters that the applicant could erect a single-storey extension to the side of the dwelling without requiring planning permission, by virtue of the 'permitted development' rights available under Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). The erection of such an extension would erode the driveway in the same manner as the proposed side extension and thus leave the same parking arrangements as proposed by the current application.

To this end, and ultimately as the proposed development will still maintain a usable off-street parking space, the proposals are considered to comply with the SPD's objectives and the proposals are therefore considered to be acceptable in this regard.

### CONCLUSION

As set out above, it is considered that the size, scale and position of the proposed side extension is considered to be appropriate and will mean the development will have an acceptable impact on the living conditions of neighbouring residential dwellings. Furthermore, the implications of the development on highway and pedestrian safety have also been found to be acceptable. The

development would therefore comply with the objectives of the NPPF, policies B2, T14 and T22 of the Council's UDP and the Council's adopted 'Household Alterations and Extensions' SPD.

The application is consequently recommended for approval.

#### EQUALITY ACT 2010 - 149 PUBLIC SECTOR EQUALITY DUTY

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

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

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

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

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

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

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

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

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

**Conditions:**

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

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

Location plan, received 29.01.18

Existing plan, drawing number 18/HC/1, received 29.01.18

Proposed plan, drawing number 18/HC/2, received 29.01.18

Site plan, drawing number 18/HC/3

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

3 Notwithstanding any indication of materials which may have been given in the application; the external materials to be used, including walls, roofs, doors and windows shall be of the same colour, type and texture as those used in the existing building, unless the Local Planning Authority first agrees any variation in writing; in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.

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**Reference No.:** 18/00151/FUL Full Application

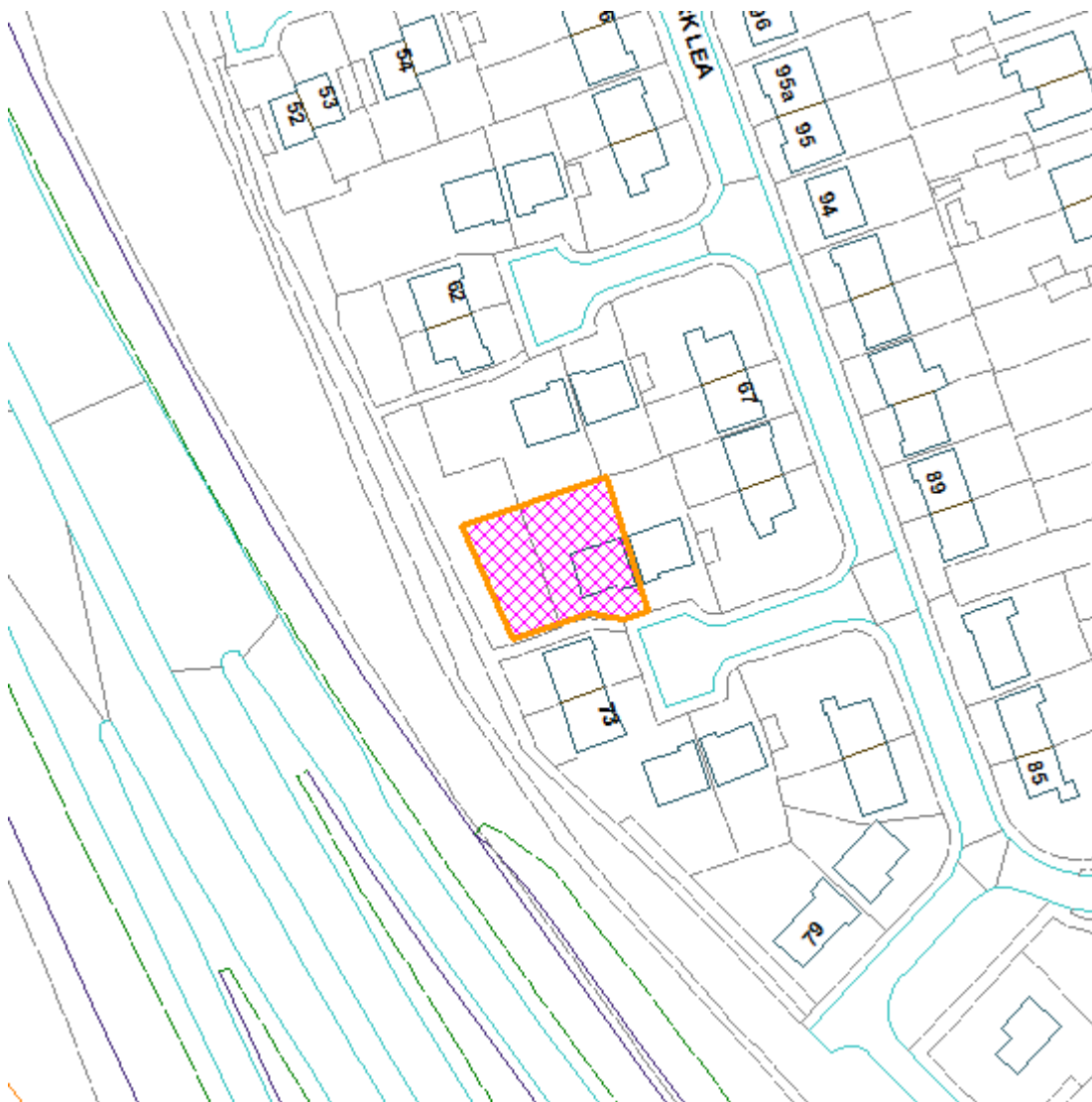
**Proposal:** **Erection of two storey extension to west side, single storey extensions to rear and front and hardstanding to south-west of property (as amended).**

**Location:** 71 Park Lea Sunderland SR3 3SZ

**Ward:** St Chads  
**Applicant:** Mr Chris Middlemiss  
**Date Valid:** 31 January 2018  
**Target Date:** 28 March 2018

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### Location Plan



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## **PROPOSAL:**

The application under consideration seeks permission for the erection of a two storey extension to side and rear, a single storey extension to front and rear and a proposed hard standing area to the south west of 71 Park Lea, East Herrington, Sunderland, SR3 3SZ.

The application site is south facing two storey detached property set in the North West corner of a cul-de-sac within Park Lea. The host property is adjacent to no.70 Park Lea to the east, no.72 Park Lea to the south and no.64 Park Lea to the north.

Following concerns raised by the local planning authority an amendment was sought and submitted removing the first floor element to the eastern elevation and to the rear and setting the garage back to the existing position.

The two storey element to the western elevation will include a gable roof, with a small peak above the window to first floor level.

The existing garage will have a hipped roof with a canopy above the existing garage and proposed porch.

## **TYPE OF PUBLICITY:**

Neighbour Notifications

## **CONSULTEES:**

Network Management  
St Chads - Ward Councillor Consultation

Final Date for Receipt of Representations: **21.03.2018**

## **REPRESENTATIONS:**

As a result of the public consultation carried out a total of 1no representation has been received, from the occupier of no. 70 Park Lea to the east of the host property, which objects to the application.

The concerns expressed relate to:-

- o The size of the proposed first floor extension to the east of the host property,
- o A loss of outlook, light and overshadowing.
- o Overhanging of the guttering onto the shared walkway therefore reducing the width of the walkway.
- o A lack of space to park car on existing garage due to garage extension, width of garage not sufficient enough to house a car,
- o Proposed new driveway and new boundary fence to south of property could lead to poor visibility for pedestrians using public footpath.
- o Building works encroaching onto property of no.70.
- o New foundations damaging the property of no.70.

The majority of the issues raised by the objector are material planning considerations and will be considered in more detail in the following section of this report.

It should be noted, however, that the final two issues raised are private concerns to be addressed between the objector and the applicant and are not material considerations in determining this planning application.

## **POLICIES:**

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

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

B2 - Scale, massing layout and setting of new developments

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

## **COMMENTS:**

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

On a local level, policy B2 of the Council's adopted UDP requires new development to respect visual amenity and maintain an acceptable standard of amenity to existing dwellings. The Council's adopted 'Household Alterations and Extensions' SPD provides more detailed guidance in respect of domestic development; it encourages a high standard of design to such proposals and reiterates policy B2's requirement that visual amenity and the amenity of existing dwellings is respected.

The site in question comprises part of an existing housing estate and is not allocated for a specific land use by the Proposals Map of the UDP. As such, policy EN10 of the UDP is applicable and this requires that new development proposals should be compatible with the principle established use of the neighbourhood.

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

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

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



## Principle of development

The application site is situated within an established residential area and, given that the proposal constitutes the extension of a residential property, the proposal is considered to accord with UDP policy EN10.

## Residential and visual amenity

Policy B2 of the UDP relates to new developments and extensions to existing buildings and states that their scale, massing, layout or setting should "respect and enhance the best qualities of nearby properties and the locality and retain acceptable levels of privacy".

In terms of supplementary guidance to local planning policy, section 7.2 of the Council's adopted 'Household Alterations and Extensions' Supplementary Planning Document (SPD) expands on policy B2 and states that if a proposed extension is to front a public road or footpath, it should be of a high standard of design which respects the appearance of the existing property and the character of the street scene. Materials, roof pitches and window styles will be expected to respect or match the current style. If there is an established building line within the street, the extension should not exceed 1.2 metres from the original main wall of the property and should be set in a minimum of 460mm from a common boundary.

With regards the proposed porch to the front, the existing porch currently projects 2.3 metres from the principle elevation, whilst the proposed porch will project 1.65 metres from the front of the dwelling; whilst it is acknowledged that this projection is further than recommended in the SPD, it is considered that due to the detached nature of the property and its location within the street that the proposed projection is acceptable.

In order to address a concern raised by the Council's Highways team, an amendment to the position of the garage door has been made. This amendment reverts the garage door back to its existing position and the amended proposal includes a canopy above the existing garage continuing the roofline from the proposed porch. Due its relative size and location, in terms of residential amenity it is considered that the canopy will not cause any loss of privacy or overshadowing to either neighbour at no.70 or no.72 Park Lea and is therefore considered acceptable.

As previously mentioned, following concerns raised by officers regarding the scale of the proposed development relative to the existing dwelling, an amendment to the proposed scheme was submitted which removes the first floor element above the existing garage. This amendment is considered to have addressed the concerns raised by the objection from no.70 Park Lea with regards to the size of the extension, overshadowing and loss of outlook and privacy to the neighbouring property.

The amended scheme now proposes a new roof over the existing garage, which will alter from an existing flat roof to a hipped roof. It would utilise appropriate materials which respect the appearance of the existing properties and would incorporate a roof design which would be considered suitable in relation to both host properties. Furthermore it is noted that a similar roof design has been completed at no.72. Whilst the guttering will hang over the existing shared walkway between the host property and no.70 it is not considered that this will give rise to any amenity issues or materially affect the use of the walkway and the proposed arrangement is therefore considered acceptable.

Given the above, it is considered that the proposed extension to the front of the property and the new garage roof will not introduce an incongruous element into the streetscene or unacceptably affect the living conditions of neighbouring properties and is therefore considered to be acceptable.

In terms of the two storey side extension, section 7.3 of the SPD expands on policy B2 and states that any such extensions should be designed to maintain the character of the existing property and the street scene. As a general rule a side extension should be of a size no more than 50% of the overall width of the original dwellinghouse in order to ensure a subordinate relationship to the host property. Side extensions should also incorporate a pitched roof or a roof slope that matches the existing property.

In this instance the width of the proposed extension will exceed the 50% overall width of the dwellinghouse, however with a setback of 0.5 metres from the principle elevation and a lower roof line it is considered that the proposed two storey extension has demonstrated suitable subordination to the host property to comply with section 7.3 of the SPD. Furthermore, given the location of the property to the corner of the head of the cul-de-sac and the position of the extension on its west side, it is considered that the two-storey extension will not have a significant impact on the prevailing streetscene and will not cause any harm to the visual amenity of the area.

With regards to residential amenity, due to the proposed location of the extension no impact will be caused by the extension to no.70 Park Lea. The rear of the extension also stands a distance of 19 metres to the rear of no.64 Park Lea, which is considered an acceptable distance which is consistent with the existing arrangement of the properties.

With regards to no.72's amenity, given the position of the host property in relation to the neighbouring property it is not considered the proposed extension will cause any overshadowing or loss of light. Whilst there is a window located to the northern elevation of no.72, this serves a non-habitable room and therefore no loss of privacy to the main living areas of the property will occur and in terms of residential and visual amenity the proposal is considered acceptable.

Section 7.4 of the SPD expands on policy B2 and states that, on detached dwellings "rear extensions along the common boundary will normally be limited to a maximum projection of 4 metres. In some circumstances it may be possible to increase with an additional 0.1m permitted for every 0.1m the extension is positioned off the boundary'. In addition, section 7.4 cites the '45° rule', which reads: 'extensions should be designed so as not to project beyond a 45° line (on plan) that extends from an adjoining neighbours' nearest ground floor habitable room window, which is perpendicular to the proposed extension. The reference point is the centre of the neighbour's window to the extension'.

The proposed extension to the rear of the host property will project 2 metres from the existing rear elevation and will serve as a utility room. The proposed extension will have an eaves height of 2.1 metres, with an overall ridge height of 3.6 metres. Given these dimensions, the proposed extension will comply with the recommendations of section 7.4 of the SPD. In terms of residential amenity, although there is a slight difference in site levels between the host property and no.70, due to its modest size the proposed extension will not cause any loss of light or overshadowing to the neighbouring property. In terms of privacy with no windows proposed in the side elevation and with an existing fence height of approximately 2 metres it is not considered that the proposal will compromise the privacy of the neighbouring property.

## Highway Safety

As noted previously, the amended proposal will see the position of the garage door stay as existing due to concerns raised by the Council's Highways team in respect of the erosion of the property's driveway. Whilst it was recommended that a driveway with a length of 5 metres be provided, it is considered that 4.8 metres is sufficient when taking into consideration that this is the existing arrangement at the property. The addition of a hard standing area to the south west of the property will allow for further parking and it is therefore considered that the development would not impact upon the current car parking provision at the property or the existing highway network. Moreover, the proposals aren't considered to raise any pedestrian safety concerns and as such the proposals are considered to accord with the requirements of UDP policy T14.

## CONCLUSION

Given the above, following the submission of the amended proposals, it is considered that the implications of the proposals in relation to visual and residential amenity and highway safety are acceptable and consequently, there are considered to be no material grounds to warrant a refusal of planning permission.

Consequently, it is recommended that the application is approved, subject to the list of conditions as set out below.

## EQUALITY ACT 2010 - 149 Public Sector Equality Duty

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

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

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

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

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

encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

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

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

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

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

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

**Conditions:**

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

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

Existing and Proposed Plans, received 09.03.2018  
Existing Floor Plans, received 29.01.2018  
Amended Proposed Floor Plans, received 09.03.2018  
Amended Elevations, received 09.03.2018  
Amended Elevations, received 09.03.2018  
Amended Site Plan, received 09.03.2018

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

3 Notwithstanding any indication of materials which may have been given in the application; the external materials to be used, including walls, roofs, doors and windows shall be of the same colour, type and texture as those used in the existing building, unless the Local Planning Authority first agrees any variation in writing; in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.