

DEVELOPMENT PLAN

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

Unitary Development Plan - current status

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

STANDARD CONDITIONS

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

SITE PLANS

The site plans included in each report are illustrative only.

PUBLICITY/CONSULTATIONS

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

LOCAL GOVERNMENT ACT 1972 – ACCESS TO INFORMATION

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

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

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

These reports are held on the relevant application file and are available for inspection during normal office hours at the Office of the Chief Executive in the Civic Centre or via the internet at www.sunderland.gov.uk/online-applications/

Janet Johnson
Deputy Chief Executive

Reference No.: 13/02683/OUT Outline Application

Proposal: **Residential development of 17no. 3 storey Town houses.**

Location: 8 - 12 Murton Street Sunderland SR1 2QY

Ward: Hendon

Applicant: Pearlmans Finance Ltd.

Date Valid: 9 September 2013

Target Date: 4 November 2013

PROPOSAL:

This application relates to a proposal for the redevelopment of 8-12 Murton Street, Tavistock.

The site consists of a mix of two and three storey buildings and the submitted information suggests that these are owned and occupied by the applicant, Pearlmans Finance Ltd. The site also encompasses the now vacant buildings previously occupied by the Angler's Choice Fishing shop and Fizikal Sauna and Private Club. The site extends to 0.16 hectare and is located on a corner site adjacent to the junction of Murton Street and Back Tatham Street.

To the west of the site is the recently erected Software Centre on the site of the former Tavistock Car Park. To the east lie the Bethesda Free Church (a listed building) and its church hall, the Marshall Memorial Hall and the Sunderland Catholic Club. To the south side of Murton Street stands a terrace of properties (also listed buildings) which are in mix of uses but beyond that to the south the area is mainly residential. The site is bound to the north by the back lane of Tavistock Place, beyond which stands a terrace of properties which accommodates a mix of uses.

Members may recall a previous planning application in connection with the site, where outline planning permission was granted for the erection of up to 45 apartments and six commercial units (application reference 07/01170/OUT). This application was approved by the Sub-Committee in June 2007 and subsequent applications were made for approval of reserved matters with application 09/03143/REM initially refused permission by the Council under delegated powers, but allowed on appeal by the Planning Inspectorate.

Outline planning permission is sought for a residential development of 17, three storey town houses with access from Tavistock Place. Initially, the application was made on the basis that detailed consent was to be sought for the proposed means of access to the site with all other matters reserved for subsequent consideration. During the course of the application, a revised application form was submitted to the effect that consent is now being sought for outline planning permission for the proposed development with all matters reserved for subsequent consideration.

A number of indicative plans and elevations have been submitted, but given that the application is made on the basis that all detailed matters are reserved for subsequent consideration, these must be treated as indicative only at present.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Hendon - Ward Councillor Consultation

Network Management
Northumbrian Water
Director Of Childrens Services
Environmental Health

Final Date for Receipt of Representations: **30.10.2013**

REPRESENTATIONS:

Neighbours and Interested Parties

No representations have been received.

Consultees

Network Management

The Network Management Team has offered a number of comments in respect of the proposal. It should be noted that the comments were provided prior to the applicant submitting the revised application form removing access from the matters to be considered at this stage.

The comments related to the proposed widening of the back lane of Tavistock Place to facilitate access to the site, querying whether the proposed internal road would be put forward to the Council for adoption and highlighting the presence of waiting restrictions within the area.

Further detailed comments were provided and would apply in the event that the development would be offered for adoption. These relate to the adoptable standards required, requirements for a shared surface, hardstandings, improvements to existing access points, visitor parking, turning head and footway crossing requirements, consideration of sustainable transport and options for adoption of the development or it to be considered as a private street.

POLICIES:

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

B_4_Development within conservation areas
CN_18_Promotion of nature conservation (general)
CN_22_Developments affecting protected wildlife species and habitats
EN_10_Proposals for unallocated sites to be compatible with the neighbourhood
H_1_Provision for new housing
H_4_Density of housing development to at least reflect that of the locality
H_8_Windfall sites to accord with other policies unless specific benefits are provided
H_11_Housing sites with lapsed permissions normally to be approved
H_16_Negotiation for affordable housing in major developments
H_21_Open space requirements in new residential developments (over 40 bed spaces)
T_14_Accessibility of new developments, need to avoid congestion and safety problems arising
T_22_Parking standards in new developments
B_2_Scale, massing layout and setting of new developments

COMMENTS:

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

- 1) Principle of the Development.
- 2) Design and Amenity Issues.
- 3) Conservation/Listed Building Considerations.
- 4) Highway Issues.
- 5) Ecology Issues.
- 6) Impact on Local Infrastructure.

1) Principle of the Development

Given that the application site lies within Sunderland City Centre, it is within the area to which the Unitary Development Plan (UDP) alteration No.2 (Central Sunderland) is applicable. Therein, policy EC10A relates to the regeneration of Central Sunderland and states that the Council will support the regeneration of Central Sunderland.

Through Policy EC5B the City Council has identified certain sites as Strategic Locations for Change, as defined on the alteration No.2 proposals map. The City Council aims to seek diversification to secure a range of uses for each site as identified in site specific policies.

Site specific policy SA55B.1 sets out that an area of approximately 27.5 hectares within Sunnyside is allocated as a strategic location for change. The text of the policy states that the City Council will encourage the continued development of the Sunnyside area. In terms of land use, the policy identifies a number of uses, which already contribute significantly to the character of the Sunnyside and these are identified so as to remain predominant. These uses include those falling within class C3 (Dwelling Houses) of the Town and Country Planning (Use Classes) Order.

Further to the requirements of UDP alteration No.2, the Council has also adopted a Planning and Design Framework (SPDF) applicable to development proposals in the Sunnyside area. This document divides Sunnyside into a number of 'character areas' and policy SPDF6 requires that all new proposed uses within

Sunniside must fall within the 'preferred' and 'acceptable' uses for the relevant Character Area and other guidance set out in the Framework. Being sited within the East Sunniside part of the plan, specifically within the Tavistock Character Area, the site is identified as being in an area where one of the preferred uses is new housing (Use Class C3). Specifically, the application site is shown on the accompanying masterplan for the area as being identified as part of a site suitable for 2/3 storey residential town houses.

In respect of proposals for new housing, policy H1 of the UDP seeks to ensure that new housing will be provided which maximises locational choice, caters for reduced out-migration, assists in regeneration and secures the re-use of vacant and/or derelict land. Policy H8 states that proposals for housing development on windfall sites must normally accord with other policies and proposal of the plan and policy H11 requires consideration to be given to previous planning permissions for residential development where a new application is being considered on the same site.

The proposal represents the redevelopment of the site for residential purposes which are identified as being one of the preferred used for the site in both the UDP alteration No.2 and the SPDF. Indeed, the indicative plans show a scheme of three storey townhouses which reflects the aspirations of the SPDF masterplan for the redevelopment of the site. For these reasons, the principle of the proposed development is considered to be acceptable with due regard to the relevant planning policies set out above.

2) Design and Amenity Issues

Policy B2A of UDP alteration No.2 relates to sustainable urban design and states that the City Council will seeks to secure the highest possible quality of built environment and the creation of desirable places to live, work, shop and visit.

UDP Policy H4 states that housing development will normally be expected to at least reflect the density of the locality, consistent with protecting and enhancing the character of the area and where appropriate, increased densities will be sought particularly where they relate to a public transport corridor.

Matters in respect of access, appearance, landscaping, layout and scale have been reserved for subsequent consideration and thus consideration has been given to the details provided on the submitted site plan, but as set out above, it must be noted that these details are entirely indicative at this time. These plans show that the proposed dwellings along the eastern boundary would be offset from the commercial buildings on the opposite side of Back Tatham Street by 9.64 metres, those along the southern boundary would be approximately 27 metres from the front of the buildings on the opposite side of Murton Street and would be 19.8 metres away from the Software Centre to the west. The side elevations of the northernmost dwellings would be 8.1 metres away from the existing garage buildings on the opposite side of Back Tavistock Place. The internal separation distance between facing dwellings on opposite sides of the proposed courtyard would be 18.91 metres.

These distances are lower than normally recommended by the adopted Residential Design Guide as distances to be maintained around residential properties. Notwithstanding this, regard has been had to the constrained nature of the site and City Centre location wherein higher densities and consequent

lesser separation distances are sometimes accepted in line with UDP policy H4. Given that the site is surrounded mainly by commercial or communal buildings, being opposite garages on Back Tavistock Place, a church and club on Back Tatham Street and offices in The Software Centre to the other side, reduced separation distances between these properties is not considered to be prejudicial to amenity in this instance. The separation to the properties opposite on Murton Street is considered to be adequate so as to avoid harm to amenity in this case.

Notwithstanding that the submitted layout plans show a potentially acceptable layout in respect of amenity considerations, these matters will be more fully considered in assessing an application for the reserved matters allowing fuller consideration to be given to design and amenity issues.

3) Conservation/Listed Building Considerations

In consideration of applications for works which may impact upon heritage assets, regard must be had to the policy found in paragraph 131 of the National Planning Policy Framework (NPPF). Paragraph 131 requires Local Planning Authorities to take into account the desirability of sustaining and enhancing the significance of heritage assets.

Policy B4 of the Unitary Development Plan states that all development within and adjacent to conservation areas will be required to preserve or enhance their character or appearance.

The application site is located just outside of the Sunnyside Conservation Area adjacent to Grade II Listed Buildings including the Bethesda Free Church on Tatham Street and 17-23 Murton Street. Further Grade II Listed Buildings, 64 Tatham Street and Tavistock House are close by, but not directly adjacent to the application site.

The application site is currently occupied by a large factory building and associated office block which would be removed as a result of the proposal. Based on the indicative plans, it appears that this proposal presents an opportunity to enhance the street scene by removing the existing buildings which are considered to be of poor quality appearance and the potential to reinstate a traditional street pattern with strong frontages to Murton Street and Back Tatham Street. Subject to consideration of detailed plans at the reserved matters stage, it is not considered that the proposed redevelopment of this site would likely impact upon established key views of the adjacent listed buildings.

Whilst detailed consideration of the inter-relationship of any proposed development of the site will be made at the reserved matters stage, the indicative plans demonstrate that a redevelopment of the site could be achieved without prejudicing the amenity of the adjacent conservation area or any adjacent listed buildings. The proposal is considered to accord satisfactorily with UDP and NPPF policies in this regard.

4) Highway Issues

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

how parking requirements will be met. In addition, policy T22 seeks to ensure that the necessary levels of car parking provision will be provided.

As set out above, the Network Management Team has offered a number of comments in respect of the proposal.

The comments related to the proposed widening of the back lane of Tavistock Place to facilitate access to the site, querying whether the proposed internal road would be put forward to the Council for adoption and highlighting the presence of waiting restrictions within the area. The agent has subsequently confirmed that the intention would ultimately be that the road would be adopted as highway.

Further detailed comments were provided in relation to the adoptable standards required, requirements for a shared surface, hardstandings, improvements to existing access points, visitor parking, turning head and footway crossing requirements, consideration of sustainable transport and options for adoption of the development or it to be considered as a private street.

The indicative plans provided show that the proposed development falls short of some of the standards required in connection with prospective adopted highways. This is noted, however, the site plan does appear to show that it would be possible to meet these standards in the consideration of a subsequent application for approval of reserved matters relating to the proposed development. The plans show that it is proposed to widen Back Tavistock Place to facilitate access to the site and these works would be subject to a subsequent Section 278 Agreement or Section 38 Agreement to ensure that they are carried out to a satisfactory standard.

In consideration of the application on the basis on which it is submitted, i.e. an application for outline planning permission with all matters reserved, it is considered that the proposal accords satisfactorily with UDP policies T14 and T22 as set out above and that fuller consideration of the detailed layout can be carried out at the reserved matters stage.

5) Ecology Issues

Policy CN18 of the UDP seeks to ensure that the promotion of the interests of nature conservation will be sought throughout the City. Policy CN22 expands on this and states that development which would adversely affect any animal or plant species afforded special protection by law, or its habitat will not be permitted unless mitigating action is achievable through the use of planning conditions and the overall effect will not be detrimental to the species and the overall biodiversity of the City.

The application is accompanied by a Bat Survey which was produced in August 2013. This follows a previous survey carried out in 2009 in connection with the previous Reserved Matters application. The conclusion of the survey is that following an internal assessment of the existing buildings which would be demolished to facilitate the proposed redevelopment of the site, no evidence was found of bats using the site. The buildings were found to be well sealed, whilst there was a lack of any visible signs of bats being present. This is consistent with the results of the 2009 survey.

The survey concludes with a section in respect of required mitigation measures should development proceed, which include adherence to a method statement, incorporation of bat bricks into the proposed new buildings, habitat enhancement measures, avoidance of certain types of external lighting and the incorporation of nest boxes for house sparrow. These mitigation measures could be ensured through imposition of a condition to any planning permission granted for the redevelopment of the site. In order to ensure that the position in respect of ecology is fully considered at the time of carrying out any development on the site, a further condition should be imposed requiring an ecological checking survey to be submitted and approved by the Local Planning Authority prior to the commencement of development. Subject to these conditions, the proposal is considered to accord satisfactorily with the relevant UDP policies in respect of ecological issues.

6) Impact on Local Infrastructure

Policy H21 of the adopted UDP requires that new residential development makes appropriate provision of open space and provision for children's play. If provision is not to be made on site then it may be appropriate to make a financial contribution under Section 106 of the 1990 Town and Country Planning Act, towards provision nearby off-site.

In this case, the applicant is proposing to meet the open space and play space requirements off site and enter into a Section 106 Agreement in this regard. The contribution to be made is based around a contribution of £701 per dwelling which for a development of 17 dwellings would mean a contribution of £11,917 and the applicant has agreed to this level of contribution.

The Council's Assistant Head of Community Services (Sport and Leisure) has advised that such an agreement and contribution would be acceptable in principle and that the contribution would be put towards new play facilities or the improvement of existing play facilities where appropriate at Mowbray Park, Hudson Road and/or Grangetown play areas with funds being used to support ongoing maintenance of the play park. Subject to the completion of the Section 106 Agreement, the proposal is considered to be acceptable with regard to UDP policy H21.

The Council has recently carried out a Strategic Housing Market Assessment (SHMA 2013) which sets out the need for affordable housing. The adopted UDP policy H16 states that the City Council will negotiate with developers on the basis of local needs and site suitability for elements of affordable housing to be provided on new housing sites of 50 dwellings or more. However, over time this site threshold has been updated by additional evidence and PPS3 recommended a minimum site size of 15 dwellings as a site threshold and as such, this is reflected in the Council's draft Core Strategy Affordable Housing Policy as it is also evidenced through the SHMA which are up to date evidence bases and as such, material considerations.

The policy comes into force when developments are proposing a minimum of 15 dwellings or on sites of 0.5ha or more. As such, as a proposal for 17 houses on a site of 0.16ha, the policy will apply.

In this instance, with the proposal being a City Centre development of townhouses, it is considered that it would likely make for a better development if

the affordable housing issues were dealt with by way of a financial contribution in lieu of direct on-site provision. This contribution would be set out through a Section 106 Agreement. An off site contribution to purchase a two bedroom and a three bedroom property (both social rented) in the general area of the development would be £68,500 and this would be spent within the local area.

The applicant has agreed to make the contribution set out above in lieu of provision of affordable properties on the application site and this could be ensured through a Section 106 Agreement, subject to the completion of which, the proposal is considered to be acceptable in respect of affordable housing provision and in accordance with the relevant UDP and draft Core Strategy policies.

Having considered the nature of the proposed development and the characteristics of the surrounding area with regard to availability of places within the nearest existing schools (Hudson Road, Valley Road and Grangetown), it is not considered that a financial contribution towards educational improvements would be justifiable in association with this application.

Conclusion

The proposed development is therefore considered to be acceptable, subject to the imposition of conditions listed below and the completion of the Section 106 agreement, the terms of which are set out above. Members are therefore recommended to delegate the decision to the Deputy Chief Executive who is minded to approve the application, subject to the conditions set out below and the completion of the Section 106 agreement.

In the event the Section 106 agreement is not completed, the application will be referred back to the Sub-Committee with a revised recommendation.

Conditions

- Time limit conditions in respect of outline permission and application for reserved matters
- Approved Plans
- Submission of details of construction materials
- Submission of boundary enclosure details
- Ecology conditions as set out above
- Conditions as necessary to deal with land contamination issues
- Scheme of Working & Site Management Plan
- Permitted Construction Hours

RECOMMENDATION: Delegate to Deputy Chief Executive

Reference No.: 13/02786/FUL Full Application

Proposal: **Erection of a part four/part five storey 100 bed student accomodation block, with three storey building to front Stockton Road (amended description 09/10/13).**

Location: Rear Of 24 - 26 Stockton Road/Former Thirkells Garage Site Stockton Road City Centre Sunderland SR2 7AJ

Ward: St Michaels

Applicant: A1 Alpha Properties (Leicester) Ltd.

Date Valid: 3 October 2013

Target Date: 2 January 2014

PROPOSAL:

Planning permission is sought for the erection of a part four/part five storey student accommodation block, with three-storey building to front Stockton Road at land to rear of 24-26 Stockton Road/former Thirkell's Garage site, Stockton Road, Sunderland City Centre, SR2 7AJ.

The proposed development affects an area of land to the rear of 24-26 Stockton Road, a truncated terrace of three two-and-a-half storey commercial properties fronting the east side of a busy road on the south-west edge of the City Centre. The site has an area of approximately 1320 sq. metres and was once occupied by a builders' yard/commercial garage, but the range of predominantly two-/three-storey buildings associated with these operations have been demolished. The development site wraps around both sides of the 24-26 Stockton Road and takes in the site of a demolished building which adjoined the southern side of the remaining terrace.

The southern boundary of the site is flanked by 29 Stockton Road, which is occupied by commercial units and a music rehearsal/recording studio ('The Bunker') to lower floors and residential accommodation to upper floors. No. 29 features a large, flat-roofed extension to its rear (seemingly used as a terrace by occupiers of the upper floor residential accommodation), which connects to an older building at the rear of its plot. To the east of the application site is the 'City Green' development, which comprises two blocks of residential apartments, with the northern part of the site currently used as a temporary surface-level car park in advance of the construction of an office block to complete the approved scheme (see application reference 07/03301/SUB).

The northern boundary of the proposal site is flanked by West Park United Reformed Church, a Grade-II Listed building. The development site is also situated within the Ashbrooke Conservation Area and the terrace fronting Stockton Road is, although not Listed, of heritage interest in its own right, with high quality shop fronts to ground floor level in evidence.

The area surrounding the site is, given its City Centre location, mixed-use in nature, with residential streets running away from Stockton Road to the west and residential apartment blocks within the City Green complex to the east. The terrace fronting Stockton Road is, as alluded to above, primarily commercial at ground floor level but with some residential accommodation to upper floors. The Park Lane bus/Metro interchange is located just to the north of the West Park church, providing public transport links across the City and further afield.

The application, which has been submitted by A1 Alpha Properties (Leicester) Ltd., proposes the erection of a part-four/part-five storey student accommodation block, with a three-storey building to front Stockton Road. The main student accommodation block building is 'L'-shaped, with one range running on a north-south axis alongside the eastern boundary of the site and an adjoining range running on an east-west axis alongside the southern boundary of the site. This arrangement broadly reflects that of the commercial buildings to have previously occupied the site. The western elevation of the southern building will front Stockton Road and is intended to act as a continuation of the terrace.

The main block along the east side of the site is five storeys in scale (height of 16-17 metres) and proposed to be of a simple, contemporary design, with the east elevation, which faces the City Green site, finished in grey brown brick relieved by areas of vertically fixed larch cladding. Windows in the east elevation are proposed to increase in height from ground level to the fifth floor, in the interests affording greater security to ground floor rooms and allowing upper floor rooms to take advantage of long-distance views.

The west elevation, which faces the interior of the site, features angled windows set within brightly-coloured vertical bands of timber cladding. A similar treatment will be afforded to the internal elevation of the block along the southern side of the site, which is to be four storeys in height. The south elevation of this block, which is flanked by the side of 29 Stockton Terrace for its entire depth, is to be blank and finished in grey brick or timber cladding.

The eastern block is proposed to be set back from the City Green boundary behind a strip of landscaping, whilst the southern block is proposed to be separated from the boundary with no. 29 by a walkway which provides access into the building.

The western end of the block to the southern edge of the site will adjoin no. 26 and present an active three-storey frontage to Stockton Road. This elevation is of a relatively simple, modern design to contrast with the historic terrace and will feature a shop front at ground floor level. The width of the elevation to Stockton Road has been designed so as to appear commensurate to the widths of the properties within the existing terrace; however, as the gap plot is substantially wider, it is proposed to connect the facade to 29 Stockton Road with an expanse of blank aluminium containing a stairwell.

The proposed buildings will provide 100 student bedrooms, with ancillary shared living, kitchen and dining rooms throughout. The ground floor to the section of building fronting Stockton Road, behind the shop front, is to be occupied by a manager's office and the application has been accompanied by a detailed management plan.

The interior of the site, behind the terrace fronting Stockton Road, is proposed to be laid out as a courtyard, with pedestrian access into the complex taken from Stockton Road and an access road within the City Green development which runs along the eastern boundary. Vehicular access is to be taken from Stockton Road, utilising an existing access point between 24 Stockton Road and West Park church. A total of four parking spaces are proposed to serve the development.

Members may recall that the application site has been subject to a number of planning applications for residential-led mixed-use development in recent years. Planning permission was granted in 2007 for the erection of 5 no. residential apartment blocks to the eastern side of the site, together with buildings containing a mix of uses to the Stockton Road elevation (see application reference 06/05264/LEG), whilst an earlier mixed-use scheme was granted planning permission in 2004 (application reference 04/00513/FUL). The 2007 scheme proposed a similar layout to the current application, although the new accommodation blocks associated with the current proposal differs significantly in design and appearance and is approximately 3 metres taller in height.

The necessary consents for demolishing buildings in the Conservation Area were also obtained in tandem with these applications (see app. refs. 04/00844/CON and 06/01545/CON). Neither of the schemes granted planning permission have, however, been commenced (save for the agreed demolition buildings occupying the site).

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Network Management
County Archaeologist
Nexus
Force Planning And Police Architectural Liaison Officer
Fire Prevention Officer
Environmental Health
Northumbrian Water
St Michaels - Ward Councillor Consultation
English Heritage

Final Date for Receipt of Representations: **17.12.201**

REPRESENTATIONS:

Public consultation

Representations have been received from the occupier of the flat to 26 Stockton Road, the West Park United Reformed Church and Signet Planning, submitted on behalf of the University of Sunderland.

The letter from the flat to 26 Stockton Road states that there is a large family living in the property and they are concerned about the proposal, seemingly in relation to a loss of privacy. It is also suggested that noise from students would disrupt services being carried out at the church and would affect the building's beauty.

The letter from West Park United Reformed Church sets out details of the church's land ownership and a series of historic restrictive covenants which, it is stated, will not be allowed to be infringed upon by the proposed development. The letter also advises that continued access will be required to the church's south elevation and any shared drains within the site. It is also suggested that the five-storey building to the east of the site will adversely affect the amount of natural light enjoyed by the church, in comparison to the buildings demolished since 2006.

The applicant is clearly aware of the extent of the church's land ownership and the presence of the restrictive covenants, for details of the affected areas are shown on the proposed site plans and it would appear that the scheme has been developed with these matters in mind. Nevertheless, the agent of the applicant has been made aware of the church's comments in order to allow for these matters to be discussed further if necessary; ultimately, however, these are civil issues between the two landowners and not planning considerations.

The letter submitted by Signet Planning on behalf of the University of Sunderland begins by detailing the close links between the University and the City Council and the University's role as a member of the Strategy Housing Market Assessment Partnership and involvement in the delivery of the Council's Economic Masterplan and progressing the planning policies within its emerging Core Strategy, particularly those covering student accommodation provision. It also highlights the University's role as a key economic driver and stakeholder within the local economy and suggests that this role should not be undermined through the planning process.

The letter goes on to set out the relevant national policy guidance contained within the National Planning Policy Framework (NPPF) and proposed local policies relating to student accommodation and house of multiple occupation provision contained within the Council's Core Strategy and Development Management Policies Draft Revised Preferred Options document of its emerging Local Plan, which was recently subject to public consultation. It is suggested that these draft policies, which essentially aim to ensure such accommodation is located in appropriate areas and is effectively managed, should be given weight in determining this application.

The letter suggests that the application fails to satisfy policy DM4.3 of the draft Development Management policies document, in that the applicant has not demonstrated a need for the proposed student accommodation. It is recognised, however, that the applicant has discussed the proposals with the University and that the management plan submitted with the application is satisfactory.

The letter concludes by confirming an objection to the scheme and requests that details of the objection are provided to the Planning Committee.

Nexus

No objections to the proposal - the consultation response notes the proximity of the site to Park Lane bus/Metro interchange and welcomes the intention to provide in-curtilage cycle storage and limited parking, which will encourage sustainable travel.

Tyne and Wear Fire and Rescue Service

The consultation response has advised that any matters of concern will be dealt with via any subsequent Building Regulations application.

County Archaeologist

The consultation response has offered no comments.

English Heritage

English Heritage is a statutory consultee in this case due to the size of the site and it being within a Conservation Area. No specific comments are provided, but a recommendation is given that the application is determined in accordance with national and local planning policy guidance and with regard to the Council's in-house conservation advice.

POLICIES:

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

B_2_Scale, massing layout and setting of new developments

B_4_Development within conservation areas

B_10_Development affecting the setting of listed buildings

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

EN_10_Proposals for unallocated sites to be compatible with the neighbourhood

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

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

T_22_Parking standards in new developments

COMMENTS:

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

It should always seek to proactively drive and support sustainable economic development, with every effort made to objectively identify and then meet the housing, business and other development needs of an area and respond positively to wider opportunities for growth, taking into account market signals. Furthermore, the planning system should encourage the effective use of land by re-using land that has been previously developed. More specific guidance of the NPPF is referred to, where relevant, throughout this report.

The relevant guidance of the NPPF detailed above feeds into policies EN10, EN14, B4, B10, SA70, T14 and T22 of the City Council's adopted Unitary Development Plan (1998), and policy B2A of the UDP Alteration No. 2 (Central Sunderland), which are consequently considered to be pertinent to the determination of this application.

Reference is also made in this section of the report to policies within the Council's emerging Core Strategy and Development Management Policies Development Plan Document (DPD). This document is currently at the Draft Revised Preferred Options stage and is not anticipated to be formally adopted by the Council until 2015-2016. As such, the policies referred to can only be given very limited weight in the determination of the planning application, but they do provide an indication of how the Council's approach to considering this type of planning application is likely to take shape in the next 2-3 years.

With regard to the above, it is considered that the main issues to consider in the determination of this application are as follows:

1. the principle of the proposed development;
2. the appropriateness of the proposed use of the new buildings;
3. the impact of the development on residential amenity;
4. the impact of the development on visual amenity, the Conservation Area and setting of Listed Building;
5. the impact of the development on highway and pedestrian safety;
6. the implications of the development in respect of land contamination;

1. Principle of development

The development site is not allocated for a specific land use on the proposals map of the adopted UDP and as such, policy EN10 therein is applicable. This advises that where there is no specific land use allocation, the existing pattern of land use is intended to remain; new development proposals must respect the prevailing land uses in the neighbourhood. The proposed development will provide residential accommodation in an area which is mixed use in character, with a substantial amount of existing residential accommodation in evidence nearby. Indeed, the principle of residential development is considered to have already been established by the approval of the previous applications on the site.

The proposed development is therefore considered to respect the prevailing pattern of land use and is therefore compliant with policy EN10's requirements.

The proposals map indicates that the existing terrace fronting Stockton Road provides a minor retail group which, in accordance with the requirements of policy SA70 of the UDP, should be retained. It is considered, however, that the development will not directly affect this group; the presence of additional residential accommodation may, in fact, serve to sustain it in the future.

2. Appropriateness of proposed use of buildings

As noted above, it is considered that the principle of residential development at the proposal site is acceptable. The accommodation is, however, intended for student occupation, and it is considered reasonable to assess the appropriateness of this specific use, especially as the Council's draft Core Strategy and Development Management Policies Development Plan Document (DPD) includes policies which are intended to guide the consideration of applications proposing student accommodation.

Draft policy DM4.3 of the Development Management policies document seeks to direct student accommodation proposals to central locations which are in proximity to the University's main campuses and benefit from good public transport and pedestrian links. The supporting text to the draft policy also notes that delivering student accommodation in the central areas will support the regeneration of the City Centre which, according to the Council's Economic Masterplan, does not exhibit the characteristics of a 'University city' in terms of the provision of student-related facilities and day- and night-time activities.

Draft policy 4.4, meanwhile, states that proposals for houses of multiple occupation (HMOs)/student accommodation will be permitted where the use will not have a detrimental impact on local amenity, the character and function of the locality and there are satisfactory parking/servicing arrangements. Proposals which would lead to an over-concentration of such accommodation area may not be looked upon favourably.

In terms of location, the site is considered to be wholly appropriate for student accommodation, being on the edge of the City Centre, within 5-10 minutes walking distance of the University's Chester Road campus and with excellent public transport links available via the adjacent Park Lane Interchange to reach the University's other major campus at St. Peter's. The presence of a large student accommodation complex in the City Centre may, as suggested by draft policy DM4.3, have further regenerative benefits for the City Centre by attracting and supporting student-related businesses and enterprises.

Draft policy DM4.3 also requires applicants to try and demonstrate a need for student accommodation, in order to prevent a surplus occurring. As noted in the 'Representations' section of this report, the objection to the application submitted by Signet Planning on behalf of the University has suggested that the applicant has been unable to demonstrate such a need for the proposed student accommodation. The applicant has, in response to this objection, submitted a document which gives an overview of existing and anticipated numbers of students in the City and the current levels of University-controlled and private student accommodation. The document suggests that there is a shortfall of centrally-located, purpose-built, high quality accommodation with en-suite facilities. Such accommodation is, the applicant's research suggests, in demand from both local and overseas students and it is consequently concluded that the proposed development would be popular.

Signet Planning has considered the applicant's statement of need on behalf of the University and, in a subsequent representation, queries the research carried out by the applicant, suggesting that students do not necessarily give great

weight to the quality of accommodation, with matters such as value and location of higher importance. The second representation maintains that the University considers there not to be a clear current or future need for additional student accommodation in Sunderland.

Having had regard to the aims and objectives of draft policies DM4.3 and DM4.4, it is considered that the proposed student accommodation development is appropriate for this particular site and its presence may ultimately be of some regenerative benefit to the wider City Centre. The University has, however, questioned the applicant's assertion that there is a strong demand for the type of accommodation proposed by the applicant. This is a matter which is open to debate; however, at this juncture, only very limited weight can be given to the requirements of draft policy DM4.3 and consequently, it would be unreasonable and premature to consider this matter in greater detail or attempt to refuse planning permission on this basis.

The concerns of the University have been noted, but ultimately, it is considered that, in terms of establishing the principle of the development, the proposal does not conflict with the broad aims and objectives, core principles and more detailed policies of the NPPF, and it does comply with the Council's draft Development Management policies in relation to locating such development in central areas. Any discord with the Council's draft Development Management policies cannot be given any substantial weight at this point in the adoption process.

The proposed use of the building for shared student accommodation is a sui generis use (i.e. a use which is not specifically categorised into one of the main use classes of the Town and Country Planning (Use Classes) Order 1987 (as amended)). The applicant has advised that the building has been designed to be flexible, so that it can easily be put to another use in the event the student accommodation market becomes unviable. The internal layout is such that it would lend itself to subdivision into self-contained apartments or office accommodation, whilst the manager's office on the ground floor could be put to retail use.

There are, however, no permitted changes of use from a sui generis use and consequently, planning permission would be required for any proposed change of use of the building (including to other residential uses) where material differences between the existing and proposed uses can be identified.

3. Impact of development on residential amenity

Policy B2 of the UDP also requires new development proposals to respect the amenity of existing residential properties, whilst a core principle of the NPPF is that new development should secure a high standard of amenity for existing and future occupiers.

In this case, the subject building is located within a primarily mixed-use area, but there is residential accommodation in the upper floors of neighbouring terraced properties fronting Stockton Road and the apartment blocks of City Green. Rear windows of the flats to the Stockton Road terrace face the proposed block along the eastern flank of the application site, with a separation distance of approximately 16 metres between the two. This distance is substantially below the spacing recommendations set out in the Council's 'Residential Design Guide' Supplementary Planning Document (SPD), which, as a starting point,

recommends 21 metres between elevations of two-storey buildings containing main living room windows, with an another 5 metres spacing required for each additional storey. The spacing standards are designed to ensure that existing properties continue to be afforded adequate levels of outlook and privacy.

It does, however, advise that these spacing standards should not be slavishly applied, especially in cases where such an approach would result in poor-quality development which fails to respond to the established pattern of development in, for example, a Conservation Area or heavily built-up urban setting. In this instance, it is considered that it would be unfeasible to attempt to apply normal spacing requirements in this heavily built-up location, especially as the development site has historically been occupied by large commercial buildings on roughly the same footprints as the new buildings proposed by the application. Members should also note that the most recently approved scheme on this site (app. ref. 06/05264/LEG) included similarly tall buildings on almost the same footprint as the new building along the eastern flank of the site proposed by the current application.

The southern boundary of the site, meanwhile, is flanked by 29 Stockton Road, which also features residential accommodation on its upper floor and a roof terrace to its rear. The rear wall of the new building along the south side of the site will abut and rise above the roof terrace, but as it will stand to its north, it will not cause the terrace to be significantly overshadowed whilst the absence of windows in this elevation will ensure the privacy of the roof terrace is maintained.

With regard to the above, and especially given the City Centre location of the development site, it is considered that in this instance, the relationship between the proposed development and the residential accommodation in the existing terraces fronting Stockton Road is acceptable.

The closest residential building of the City Green development is north-facing and is set back from the development site, perpendicular to its south-east corner, behind the temporary car park. Given this arrangement, it is considered that residents of this block will not suffer any significant loss of outlook or privacy as a result of the development, whilst any overshadowing from the proposed building, which will primarily occur during the afternoon, will affect the temporary car park.

Planning permission has been granted for the erection of an office building on the land currently occupied by the temporary car park (application reference 07/03301/SUB) and, although there is no sign that this scheme is likely to come forward in the near future, the relationship between the approved development on the site and the current proposal must be given consideration. With regard to this matter, it is evident from the approved plans for the City Green development that the office building was designed with the residential development of the current application site in mind, for the west elevation of the building is stepped away from the boundary between the two sites, to ensure it would not dominate prospective residential accommodation on land to the rear of Stockton Road.

Consequently, it is considered that the relationship between the current proposal and the prospective office development at City Green is acceptable; the proposed scheme will not undermine the working conditions of the office development and nor would the eventual erection of the office building cause significant harm to the living conditions of residents of the proposed accommodation.

In addition to the above, as noted earlier in this report, a detailed management plan has been submitted with the application, whilst a manager's office will be located on the ground floor of the building fronting Stockton Road, which is to be staffed five days a week and on some weekends. There will be one full-time property manager and two part-time property assistants, as well as part-time cleaning staff. The plan states that the applicant will be applying for membership of the Council's Accredited Landlord Scheme and the Accreditation Network UK/Unipol National Code of Standards for Larger Developments. The property manager will also become a member of the University's Student Landlord Network and will attend meetings and share information and good practice with the University's Accommodation office and other private landlords. The management plan is considered to satisfactorily demonstrate that the applicant intends to ensure the student accommodation will be a well-run facility which will be able to co-exist with other existing residential and commercial uses in the locality.

Nevertheless, Members should note that the Council's Environmental Health section has advised that any complaints regarding excessive noise nuisance which may arise from the operation of the accommodation can be investigated and progressed under the provisions of the Environmental Protection Act 1990.

In terms of the standard of accommodation provided to prospective residents, it is considered that room sizes are generally generous, with spacious en-suite bedrooms and shared facilities, and all rooms are afforded windows with reasonable outlook.

In response to consultation, the Council's Environmental Health section advised that the subject property may be subject to relatively high levels of intrusive noise, given its City Centre location. In such cases, policy EN6 of the UDP recommends that a noise assessment is carried out in order to understand the nature and extent of any problems and identify suitable mitigation measures into the design of the development.

The consultation response consequently recommends that the applicant undertakes a noise assessment to ascertain the levels of noise experienced inside the property and providing details of mitigation measures necessary in order to ensure that residents of the development are not adversely affected by noise. It is considered that the recommendations of Environmental Health can adequately be brought to the attention of the applicant via an informative note in the event Members determine to approve the application.

With regard to the above comments, it is considered that the proposed development will not cause unacceptable harm to the amenity of any existing residential properties in the locality, whilst it is considered that the development will provide an acceptable standard of amenity to prospective residents. The proposal is therefore compliant with the requirements of policies EN6 and B2 of the UDP and the core principles of the NPPF in this regard.

4. Impact of development on visual amenity, Ashbrooke Conservation Area and setting of Listed building

As noted at the outset of this section of the report, one of the Core Principles of the NPPF is that new development should seek to conserve and manage

heritage assets, such as Listed Buildings and Conservation Areas, in a manner appropriate to their significance. More detailed guidance is provided by section 12 of the NPPF, paragraphs 128 and 129 of which firstly require Local Authorities to give consideration to the significance of any heritage assets affected by a development proposal.

Paragraph 131 then states that in determining planning applications, Local Planning Authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities and economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness.

Also relevant is paragraph 137, which states that Local Planning Authorities should look for new development within Conservation Areas and within the setting of heritage assets to enhance or better reveal their significance; proposals which will achieve this should be treated favourably.

On a local level, policy B2A of the UDP Alteration No. 2 (Central Area) requires new development to be of a high quality and respect the context of the development site, whilst policy B4 seeks to ensure that new development within Conservation Areas will preserve or enhance their character and appearance. Policy B10, meanwhile, requires development proposals in the vicinity of Listed buildings to respect their character and setting.

Also pertinent to this application is the Ashbrooke Conservation Area Character Study Supplementary Planning Guidance (SPG), which identifies the Thirkell's Garage site as having a negative impact on the Conservation Area and being an opportunity for new development. The SPG goes on to state that new development in Ashbrooke must demonstrate the highest possible standard of design and harmonise with existing physical surroundings.

The development site is a sensitive and highly prominent location, with adjacent historic buildings (the church and the Stockton Road terrace), and can be viewed as forming part of the transition between the historic environment of Ashbrooke to the west and the more contemporary development (e.g. City Green and the Civic Centre) to the east. A high quality scheme is therefore required

In response to consultation, the Council's Built Heritage and Urban Design officers have both advised that whilst the principle of developing the application site is considered to be acceptable, the proposed scheme raises significant concerns in relation to design quality, the historic context of the site and the relationship with the adjacent Grade II Listed West Park United Reformed Church.

The main accommodation block, particularly that flanking the eastern edge of the site, is considered to be of unacceptable quality. Its size and form is considered to be such that it will be unduly prominent and harmful in the setting of the Grade II Listed West Park church and the terrace fronting Stockton Road, with the intrusion exacerbated by the proposed elevational treatment, both in terms of the arrangement and pattern of fenestration and choice of materials.

The proposed in-fill building to Stockton Road is also considered to be incongruous in relation to the adjacent Victorian terrace and the generally historic streetscene. The proposed façade is at odds with and disproportionate to its surroundings, particularly in relation to the lack of detail to the frontage, the fenestration style and arrangements and eaves levels, whilst the blank stairwell is considered to be a harsh intrusion which will detract from the streetscene. The office front at ground floor is also considered to be of poor quality in comparison to the historic shop fronts within the existing terrace.

With regard to the above, it is considered that the proposal does not comply with the requirements of policy B2A of UDP Alteration No. 2, policies B4 and B10 of the UDP and the aforementioned relevant sections of the NPPF.

Subsequent to the receipt of the Built Heritage and Urban Design comments, discussions were opened with the applicant's agent to seek to secure improvements to the design quality of the scheme and its relationship with adjacent historic buildings and the Conservation Area.

A series of revisions to the scheme have been made, with the most notable alteration being the introduction of a step in the eastern block from four to five storeys, reducing the height and mass of the building adjacent to the Grade-II Listed West Park Church. The footprint of the new buildings has been revised, with its width reduced so that it sits further from the terrace. The treatment of the elevations to the blocks have also been significantly amended, with the fenestration style, façade treatment and range of materials altered to be similar in nature to the adjacent apartment building at City Green.

The revisions to the main accommodation blocks have been assessed by the Council's Built Heritage and Urban Design officers and these elements of the scheme are now considered to be acceptable. The blocks are considered to provide a good quality design response to its historic surroundings and to better respect the setting of the Listed church. It is essential, however, that high quality materials are used and, if Members are minded to approve the application, it is recommended that a condition is imposed to require the submission of samples of materials to ensure this.

Amendments have also been made to the elevation fronting Stockton Road. The applicant's architect has aimed for a more traditional design approach, with detailing elements of the facades of the adjacent existing buildings within the terrace utilised in the new build to better respond to the historic context. The new build would be linked to the adjacent existing terraces by glazed curtain walling, rather than the aluminium stairwell as originally proposed. The shop front has also been amended to better reflect the style and detailing of the adjacent historic shop fronts. However, matching the proportions of existing buildings has proven difficult given that the gap between nos. 26 and 29 is wider than the frontage of the properties within the terrace.

Whilst significant improvements to the treatment of the Stockton Road elevation have been made, the proposed final detailing to this elevation is still being considered by the Council's Built Heritage and Urban Design officers, in order to ensure that a high quality finish is achieved. It is anticipated that an acceptable design solution will be agreed in advance of the Committee and details of the final proposal will be provided on a Supplementary Report ahead of the meeting.

5. Impact of development on highway and pedestrian safety

Policy T14 of the UDP states that new development proposals must not lead to conditions which are prejudicial to highway and pedestrian safety, whilst policy T22 requires new development proposals to be afforded an appropriate level of dedicated vehicular parking. The level of parking required should take into account the nature of the development proposal, the location of the development site and its accessibility via other forms of transport.

In response to consultation, the Council's Network Management team has noted that four parking spaces are proposed with the development, but also that the application site lies within the City Centre Central Parking Zone. Consequently, it is considered that it is reasonable to take a relaxed approach to dedicated parking standards, especially as the site is located adjacent to the Park Lane bus/Metro interchange, is in close proximity to University campuses and there is ample public parking nearby (e.g. the Civic Centre car park, Boughton Street surface level car park and the temporary car park at City Green). Furthermore, the development is intended to be occupied by students, a demographic generally considered to be characterised by low vehicle ownership.

The level of parking afforded to the site is therefore considered to be acceptable in this instance.

The Network Management team's comments have also noted, however, that clarification of servicing arrangements is required, for it is unclear as to how this can be achieved within the proposed internal layout. It is recommended that an internal turning area is provided to allow for vehicles to leave the site in forward gear.

The agent of the applicant has, in amending the proposals in respect of the design/built heritage issues, also revised the internal layout of the site to provide a turning area for servicing vehicles, together with an increase in the number of dedicated parking spaces from four to five. The revision has been assessed by the Council's Network Management team and is considered to be acceptable and an improvement on the initial layout in terms of parking provision and servicing arrangements. It is recommended, however, that the proposed 'cycle park' takes the form of a secure storage shelter, rather than just a cycle rack.

The impact of the proposal on highway and pedestrian safety and the parking and servicing arrangements associated with the development are therefore considered to be acceptable, in accordance with the requirements of policies T14 and T22 of the UDP.

6. Implications of development in respect of land contamination

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

A land contamination report has been submitted with the application and it advises that intrusive site investigation works may be required to fully determine ground conditions. The Council's Environmental Health section has recommended that no works other than the suggested ground investigation works should be carried out ahead of the commencement of development; ultimately, however, the responsibility for the safe development of the site lies with the developer.

It is considered that this situation can, if Members are so minded, be covered by appropriately worded conditions, which would require ground investigations to be undertaken in accordance with the recommendations of the report. If necessary, this would have to be followed by the submission of a remediation strategy which depending upon whether any contamination is identified.

CONCLUSION

For the reasons outlined above, it is considered that the proposed development is acceptable in principle and that the proposed use of the buildings for student accommodation is appropriate in this City Centre location. The impact of the proposals on the amenity of existing residential properties adjacent to the site has been carefully assessed and is also considered to be acceptable in this instance. The revised site layout is also considered to ensure that the proposed development will not give rise to highway and pedestrian safety concerns, whilst the parking and servicing arrangements are also acceptable.

The amendments and revisions made to the original proposals have significantly improved the design quality of the scheme and its relationship with the historic Conservation Area context of the development site and the adjacent Grade II Listed church. Indeed, as amended, the main accommodation blocks are considered to represent a high-quality design solution which is befitting of this sensitive location. However, discussions are ongoing in relation to the final treatment of the frontage to Stockton Road, a crucial element to the overall success of the scheme given its context within the historic terraces.

It is anticipated that this outstanding matter will be resolved shortly and details of the agreed design solution will be reported on a Supplement to this report. Members should note that the final revisions to the proposals may also have an effect on the number of bedrooms associated with the proposed student accommodation. Any change in the number of bedrooms is anticipated to be limited (most likely there will be a reduction) and, it is considered, not materially impact upon the overall acceptability of the scheme.

The Supplementary report will provide clarification of the final number of bedrooms associated with the development, together with a recommended decision and details of suggested conditions.

RECOMMENDATION: Deputy Chief Executive to Report

Reference No.: 13/02903/FUL Full Application

Proposal: **The construction of 123 new dwellings with associated hard and soft landscaping with the stopping up of existing roads and footpaths. (Amended Plans received 17.01.2014).**

Location: Land Adjac Saint Lukes Road Front Road High Ford Sunderland

Ward: Pallion
Applicant: Gentoo Homes
Date Valid: 25 October 2013
Target Date: 24 January 2014

PROPOSAL:

The proposal is for the erection of 123 new dwellings with associated hard and soft landscaping with the stopping up of existing roads and footpaths. (Amended Plans received 17.01.2014 and 11.02.2014 (highways layout)).

The site was previously occupied with residential dwellings which were demolished in June 2007.

The site area is approximately 4.08ha and is made up of four areas spilt by Forest Road and Fell Road. The northern sections are bounded by Saint Luke's Road to the east of Front Street and to the West Peplow Square.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Pallion - Ward Councillor Consultation

Network Management
Environment Agency
Environmental Health
Director Of Childrens Services
Fire Prevention Officer
Northern Electric
NE Ambulance Service NHS Trust
Force Planning And Police Architectural Liaison Officer
County Archaeologist

REPRESENTATIONS:

Pallion - Ward Councillor Consultation - No comments have been submitted from the local ward members

Network Management - No objections in principle to the development subject to minor modifications to the visitor parking bay distribution.

Environment Agency - No comments as long as developed in line with Northumbrian Water agreements.

Environmental Health - No adverse comments to the application, subject to conditions being imposed in respect of land contamination, site set up details to control dust debris etc

Director of Children's Services - Comments in respect of contributions in respect of children's school places

Fire Prevention Officer - No response received

Northern Electric - No response received

NE Ambulance Service NHS Trust - No response received

Force Planning And Police Architectural Liaison Officer - No response received

County Archaeologist - No comments

Neighbour

1 letter of representation has been received to the proposed development which relates to the footpath to the rear of 44 Phoenix Road and would like the footpath to be closed off. The objector expresses concerns over past anti social behaviour in this particular area. In respect of anti -social behaviour this is an issue for the police. It is considered on balance that the proposed footpath is required in order to retain connectivity through out the scheme.

1 Letter of support has also been received in respect of the proposed redevelopment of the site.

POLICIES:

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

EN_12_Conflicts between new development and flood risk / water resources

H_21_Open space requirements in new residential developments (over 40 bed spaces)

CN_23_Measures to conserve/ improve wildlife corridors

B_14_Development in areas of potential archaeological importance

EN_1_Improvement of the environment

H_1_Provision for new housing

H_2_Priority for conserving, maintaining and improving existing housing
R_2_Taking account of spare infrastructure / reduced travel / vacant & derelict land
EN_14_Development on unstable or contaminated land or land at risk from landfill/mine gas
H_16_Negotiation for affordable housing in major developments
EN_10_Proposals for unallocated sites to be compatible with the neighbourhood
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:

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

Principle of residential development;
Urban Design;
Highway Access and Car Parking;
Ecology;
Flood Risk;
Ground Conditions;
Archaeology;
Section 106 contributions.

Principal of Development

The proposed development site is shown as an area of EN10 white land development on the Council's adopted Unitary Development Plan (UDP) proposals map.

Therefore the proposed development should be compatible with the surrounding land use.

The proposed development is a major development and as such has been advertised accordingly, by the way of neighbour, site and press notification.

National Planning Policy

By virtue of section 38(6) of the Planning and Compulsory Purchase Act, 2004, the starting point for consideration of any planning application is the saved policies of the development plan. A planning application must be determined in accordance with the development plan unless material considerations indicate otherwise.

However, since the publication of the National Planning Policy Framework (NPPF) in March 2012, (which is a material consideration for the purposes of Section 38(6)), the weight that can be given to the development plan depends upon the extent to which the relevant policies in the plan are consistent with the more up to date policies set out in the NPPF. The closer the relevant policies in the development plan to the policies in the NPPF, the greater the weight that can be given to the development plan.

The NPPF sets out a presumption in favour of sustainable development. This means that authorities when determining planning applications should:

- Approve applications that accord with an up to date development plan without delay; and
- Where the development plan is absent, silent or its relevant policies are out of date, granting permission unless:-

(a) there are any adverse impacts that would significantly and demonstrably outweigh the benefits when assessed against the provisions of the NPPF taken as a whole, or specific policies in the NPPF indicate development should be restricted; or

(b) any specific policies in the NPPF indicate that development should be restricted.

The impacts of the proposed development are considered under the various headings in this Considerations section of the report

Further, part 6 of the NPPF is concerned with "Delivering a Wide Choice of High Quality Homes" which is relevant to the consideration of this application. Paragraphs 47 and 49 of the NPPF are particularly relevant to the consideration of this application.

Paragraph 47 states that:

To boost significantly the supply of housing, local planning authorities should:

- Use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in the NPPF, including identifying key sites which are critical to the delivery of the housing strategy over the plan period;
- Identify and update annually a supply of specific deliverable sites (i.e. sites which are available, suitable and viable for housing) sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land;
- Identify a supply of specific, developable site or broad locations for growth, for years 6-10 and where possible, for years 11-15;
- For market and affordable housing, illustrate the expected rate of housing delivery through a housing trajectory for the plan period and set out a housing implementation strategy for the full range of housing describing how they will maintain delivery of a five-year supply of housing land to meet their housing target; and;
- Set out their own approach to housing density to reflect local circumstances.

Paragraph 49 of the NPPF states that:

Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant local policies in a development plan for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

As indicated by paragraphs 47 and 49 of the NPPF (set out above), under the NPPF the planning authority should identify an available and deliverable five-year supply of housing land. If such a supply of housing land cannot be robustly demonstrated, relevant local policies for the supply of housing are regarded as out of date, and therefore should be afforded little weight.

Following the revocation of the Regional Spatial Strategy in April 2013 (and the 5 year housing targets provided in the RSS), work is currently ongoing by the City Council towards establishing a five year supply of housing land based upon robust and up to date evidence of the city's housing needs.

Although it is considered likely that a five year supply of deliverable housing sites in the city can be demonstrated, the work to support this view is still developing and has not been subject to independent examination through a public inquiry and is currently, in draft. Therefore, on balance, at this stage the Local Planning Authority cannot say with certainty that a five year supply of deliverable housing sites is available and therefore the more up to date development management and housing policies in the NPPF should be given greater weight when considering this application to the housing policies in the saved development plan.

Local Planning Policy

Policy H1- New Housing Provision of the UDP seeks to ensure that sufficient new housing is provided which will maximise locational choice, caters for reduced out migration and increasing household formation and assists in the regeneration of existing residential areas and secures the re-use of vacant and derelict land. The proposed development will assist in the regeneration and renewal of the area, on a site which lies in a sustainable location in line with Policy H1.

Policy H2 of the UDP states that "High priority will be given to the conservation, maintenance and improvement of the existing housing stock, and where necessary to the improvement of its environment. Housing which cannot be improved to provide satisfactory living conditions (at a reasonable cost) could be cleared". Measures aimed at improving the existing housing stock and environmental improvements will be given high priority. The UDP recognises that new housing can help assist in the regeneration of existing residential areas and communities. In line with Policy H2 the proposed scheme will improve the existing housing stock within Sunderland City whilst proving environmental improvement to the area and community as a whole.

Policy R2 of the UDP, Resource Utilisation, states that in considering proposals for new development the Council should take into account the extent to which they make use of existing and proposed services and road infrastructure, minimises the need for travel and makes use of vacant and derelict land. The

location of the site, in close proximity to services and local amenities and within an established residential area, means the proposed development fully complies with the principles of policy R2.

The ISHL seeks to guide new house building in the City over the period 2001 to 2021.

The Strategy guides the consideration of planning applications for housing development in advance of the adoption of the Local Development Framework

The purpose of the Strategy is to give priority to the development of previously developed land (brownfield), to increase housing densities on sites with good public transport access and to support regeneration areas through the timely release of 'strategic' sites. Although not a strategic site, the development of the High Ford site fully complies with the principles of the ISHL.

The overall High Ford site is also identified within the SHLAA as being 'suitable' and deliverable site for the development of approximately 285 units.

Sunderland City Council's LDF

The Planning and Compulsory Purchase Act 2004 requires that Sunderland City Council prepare a Local Development Framework. At present the Council are preparing the development plan documents that will make up the LDF. The Core Strategy Document is currently at the Preferred Options stage and therefore only has limited weight in the decision making process.

Principle of Development - Summary

The proposal involves the redevelopment of a brownfield site for housing purposes to create a sustainable urban community. The site is centred around excellent facilities and good transport infrastructure. Therefore, the proposal conforms to policy set out at national and local level due to the location of the proposal and the redevelopment of a brownfield site.

The proposed residential development is therefore considered to be acceptable in principle subject to the assessment of the other impacts of the development which are considered below.

Urban Design

The proposed development comprises 123 dwellings of traditional design. All dwellings proposed are two storeys in height unless they are bungalows. All of the dwellings proposed include private outdoor amenity space (private garden areas) and private car parking in the form of integral and detached garages and driveways.

Appropriate spacing, to protect the privacy of occupiers, is retained between dwellings in general accordance with the Council's adopted standards of 21 metres between main facing elevations and 14 metres between main elevations and blank gable walls.

The proposed development is therefore considered to be acceptable in terms of urban design and as such complies with policy B2 of the Unitary Development Plan.

Highway Access and Car Parking

The application is accompanied by a Transport Assessment and Travel Plan

Policy T14 of the Council's adopted UDP is relevant to the consideration of the highway arrangements for this application.

Policy T14 requires that:

Proposals for new development should:

1. Be readily accessible by pedestrians and cyclists as well as users of public and private transport from the localities which they are intended to serve.
2. Not cause traffic congestion or highways safety problems on existing roads.
3. Make appropriate safe provision for access and egress by vehicles (including buses), pedestrians, cyclists and other road users, paying particular attention to the needs of people with mobility impairment;
4. Make provision for the loading and unloading of commercial vehicles (for commercial development);
5. Indicate how parking requirements will be accommodated.

Highway Access

Access to the site is to be taken via the existing junctions and the existing highway layout from the previous housing estate.

The access points have been carefully considered and as such are satisfactory to comply with policy T14 of the adopted Unitary Development Plan.

Car Parking

Private car parking is provided for each property via a variety of means, these being private driveways, integral and detached garages. Visitor car parking is distributed evenly throughout the development.

Sustainable Transport

The application site is currently well served by public transport.

The application is accompanied by a Travel Plan; the travel plan has been carefully considered and as such complies with policy T22 of the Unitary Development Plan. It is recommended that if members are minded to grant planning permission that a condition be imposed to ensure the Travel Plan is fully implemented.

The travel statement has considered all the implication and as such is considered satisfactory with no adverse implications and as such is compliant with national and local planning policies.

Ecology

The proposed development site lies within a Wildlife Corridor and is therefore subject to the requirements of Policy CN23 of the adopted UDP which states that:

Within the wildlife corridors indicated on the proposals map:

1. Measures to conserve and improve the environment will be encouraged using suitable designs to overcome any potential user conflicts;
2. Development which would adversely affect the continuity of corridors will normally be refused;
3. Where, on balance, development is acceptable because of wider plan objectives, appropriate habitat creation measures will be required to minimise its detrimental impact.

It should be noted that the presence of a wildlife corridor does not preclude a site from development. There are many instances across the city where wildlife corridors and built development co-exist on the same site.

This application is accompanied by and ecological assessment of the proposed development site and biodiversity enhancement proposals for the site.

The extended phase 1 survey indicates that the site is of predominantly low ecological value, comprising of amenity grassland and hard standing, with a small area of scrub and a single residential building comprising 2 adjoining properties. There are two semi-mature conifer trees that are considered to be of local ecological value.

The risk of harm or disturbance to roosting bats as a result of the development is considered to be low and bat use of the site is likely to be limited to small numbers of foraging and commuting common pipistrelle bats. Garden habitats post development are likely to provide improved foraging opportunities than those that are currently present. Nesting opportunities for birds within the site are limited to the two semi-mature conifer trees, which may support very small numbers of locally common urban bird species. The site is not considered to be suitable for ground nesting species, lacking cover and being highly disturbed, with evidence of use by dog walkers.

No other protected species are considered likely to be present on site due to the lack of suitable habitats, water bodies and watercourses.

The likely effects of the proposed development, without appropriate targeted mitigation, are:

- Harm/disturbance to nesting birds should tree felling works be undertaken during the breeding season (March to August inclusive).

- Loss of a semi-mature conifer tree considered to be of local ecological value.
- Loss of scrub and amenity grassland habitats considered to be of low ecological value.
- Mitigation requirements are likely to include:
 - *Tree felling to be undertaken outside the bird nesting season, unless a checking survey by a suitably qualified ornithologist confirms that active nests are absent.
 - Enhancement of habitats along the western boundary, through the provision of a species rich hedgerow, to form commuting route through the site for wildlife including bats.
 - Lighting post development should be low level and low lux and directed away from the western site boundary.

Mitigation Requirements

Mitigation requirements are required in respect of;

1 Tree felling to be undertaken outside the bird nesting season, unless a checking survey by a suitably qualified ornithologist confirms that active nests are absent.

2 Enhancement of habitats along the western boundary, through the provision of a species rich hedgerow, to form commuting route through the site for wildlife including bats.

3 Lighting post development should be low level and low lux and directed away from the western site boundary.

The following mitigation measures are recommended in order to further enhance the site for biodiversity:

1 The installation of bat and bird boxes at appropriate locations on site.

2 The incorporation of bat slates into 10% of the properties constructed on site.

3 The incorporation of native species, or those with known benefit to wildlife, within the soft landscaping scheme for the site

Conclusion of Ecological Issues

The proposed development is considered acceptable in terms of ecological issues, subject to conditions being imposed should members be minded to grant planning permission and in order to comply with policy CN23 of the adopted Unitary Development Plan

Flood Risk

Policy EN12 is relevant to the consideration of this application in terms of flood risk. Policy EN12 of the adopted UDP states that:

In assessing proposals for development, the Council, in conjunction with the Environment Agency and other interested parties, will seek to ensure that the proposal would:

- Not be likely to impede materially the flow of flood water, or increase the risk of flooding elsewhere, or increase the number of people or properties at risk from flooding (including coastal flooding); and
- 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.

Both the Environment Agency and Northumbrian Water have been consulted regarding this application.

The Environment Agency has confirmed no objection to the proposed development.

It is considered that on the above basis the proposed development is acceptable in terms of flood risk and is in accordance with the requirements of Policy EN12 of the adopted UDP.

Ground Conditions

Policy EN14 is relevant to the consideration of this planning application.

Policy EN14 of the adopted UDP states that:

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

- Unstable or potentially unstable;
- Contaminated or potentially at risk from migrating contamination;
- Potentially at risk from migrating landfill gas or mine gas;

The Council will require the applicant to carry out adequate investigations to determine the nature of ground conditions below and, if appropriate, adjoining the site, where the degree of instability, contamination, or gas migration would allow development subject to preventative, remedial or precautionary measures within the control of the applicant, planning permission will be granted subject to conditions specifying the measures to be carried out.

This planning application is accompanied by a preliminary Geotechnical and Ground Contamination Desk Top Review.

The Environment Agency and the City Council's Pollution Control Team have been consulted regarding the proposed development.

The Environment Agency has no objection to the proposed development.

The City Council's Pollution Control team has confirmed that it has no objection to the proposed development subject to the inclusion of planning conditions on any approval granted requiring submission of further geotechnical assessments, proposed remediation measures, verification report and also a condition to deal with any contamination that is uncovered unexpectedly during the construction phase of the development.

The proposed development is therefore considered to be acceptable in terms of ground conditions and in accordance with the requirements of Policy En14 of the adopted UDP.

Archaeology

This application is accompanied by an archaeological assessment and the Tyne and Wear Archaeology officer has been consulted regarding the proposed development.

The county archaeologist has no comments to make on the application and no further work is required.

The proposed development is considered acceptable in terms of archaeology and as such complies with policy B14 of the Unitary Development Plan.

Section 106 Contributions

As members are aware, UDP policy encourages developers to locate equipped, Children's play areas within new residential development wherever possible

However, it was not considered that the location of a play area within the site is appropriate. Good practice indicates that play areas should be located centrally within new developments to ensure easy access to the areas for all surrounding occupiers.

A contribution of £43,111.50 towards off site play provision to improve the existing play facilities at Hylton Road Playing Field.

The developer has therefore agreed to provide a financial contribution, of (as a Section 106 contribution. The proposed off site provision is considered acceptable and as such complies with policy H21 of the Unitary Development Plan.

Other Contributions

A sum of £ 43,111.50 has also been provided in respect of Education and the scheme has also proposed 12 affordable housing units on site.

Affordable Housing Provision

Following the completion of the city's Strategic Housing Market Assessment the council has sought to achieve 10% of units on new residential developments on affordable tenures (social rented, equity sharing etc) in line with the requirements of policy H16 in order to ensure that local needs are met.

The Councils SHMA and Economic Viability of Affordable Housing in requirements study identify a 10% affordable housing requirement. This equates to 12 affordable units on the site.

Summary

The principle of housing development is considered to be acceptable, similarly the proposed development is considered to be acceptable in terms of urban design, highway access and car parking, flood risk, ground conditions, ecology, archaeology and play space.

Recommendation: Delegate to the Deputy Chief Executive for approval subject to the conditions and satisfactory completion of the section 106 agreement by the 31.03.2014.

RECOMMENDATION: Delegate to Deputy Chief Executive

Reference No.: 13/03253/EXT1 Extension of Time

Proposal: **Extension of time to previously approved application 09/04379/OUT (Outline planning application for the erection of 66no residential dwellings and creation for new access from Neville Road).**

Location: Site Of The Forge Neville Road Pallion Sunderland

Ward: Pallion

Applicant: University Of Sunderland

Date Valid: 6 December 2013

Target Date: 7 March 2014

PROPOSAL:

Members may recall that at the Sub-Committee Meeting on 2 March 2010, outline planning permission was granted for the erection 66 dwellings on a presently undeveloped area of grass land at The Forge, Neville Road Pallion (Application reference 09/04379/OUT). No application has been made for approval of the reserved matters application and the consent has not yet been implemented. This new application seeks an extension of time for the implementation of this consent which was granted in 2010.

The site lies adjacent to two blocks of student accommodation which are built over four storeys and is located in a predominantly residential area characterised by a mix of house types, with two storey semi-detached and terraced properties in evidence to the west of the site in Pallion Park and single storey terraced cottage properties to the south of the site on Neville Road and the surrounding area.

The adjacent student accommodation has recently been refurbished and the site now comprises a secure student village enclosed by gates from Neville Road with on-site facilities by way of a meeting place and shop. Due to the nature of the secure student village concept, the approved application proposed that any new residential development on the adjacent site would be accessed separately via a new road indicated on the submitted plan as running between the western gable of Marr House and the Old Forge Surgery.

As the proposal is for outline planning consent, the applicant is able to reserve matters for future consideration and in this case, appearance, landscaping, scale and layout are reserved for future consideration with access to be considered at the current time. Notwithstanding this, an indicative site layout was provided with the application showing the proposed new access road, the internal road layout and 66 new dwellings, which are a range of semi-detached and terraced dwellings, mainly two storeys in height, with some three storey properties proposed in key positions to provide obvious vista termination. It is indicated that these properties will be designed so as to incorporate key architectural features,

but as appearance and scale of the dwellings are reserved for subsequent consideration, no elevational details of these dwellings have been provided at the current time.

To the north of the application site is a cycleway and footpath allocated in the Council's Unitary Development Plan as a Multi User Route and it is proposed that there will be a link from the proposed new development to this route.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Network Management
Environmental Health
Northumbrian Water
Director Of Childrens Services
County Archaeologist
Environment Agency
Force Planning And Police Architectural Liaison Officer
Northern Electric
Pallion - Ward Councillor Consultation

Final Date for Receipt of Representations: **10.01.2014**

REPRESENTATIONS:

Neighbours

To date, no representations have been received following the neighbour consultation or wider publicity processes.

Consultees

Environmental Health

The Environmental Health Team has offered no comments in connection with the application.

Environment Agency

The Environment Agency have advised that it does not wish to offer any further comments beyond those made in connection with the previous planning application (09/04379/OUT).

At this time, the Agency initially objected to the proposed development as the flood risk assessment accompanying the application was lacking in detail with regard to surface water management and also as adequate information was not supplied with regard to demonstrate that the risks of pollution posed to controlled waters can be safely managed. Subsequently, discussions between the applicant and Environment Agency Officers resulted in the withdrawal of the

objection, but a recommendation that any planning consent should be subject to conditions relating to surface water management and also measures to be taken should the land be found to be contaminated.

Northumbrian Water

Northumbrian Water has advised that there are no comments to make in connection with the application to extend the time limit for implementation of the planning permission.

At the time of the original application, it was advised that there is no objection in principle to the proposed development, subject to the imposition of a condition on any planning consent to be granted requiring the submission and approval of a detailed scheme for the disposal of surface water.

County Archaeologist

The Tyne and Wear Archaeology Officer was consulted on the application and has advised that there are no comments to make.

At the time of the original planning application, it was advised that the site is of industrial archaeological importance due to the presence of Sunderland Forge, a pottery, iron foundry and engine works in the late 19th Century. The application was accompanied by an archaeological desk based assessment which concluded that it is highly unlikely that any buried remains will be encountered during construction of the proposed dwellings. There was a clay quarry in the north-west corner of the site and during the demolition of the former industrial buildings to make way for Jobling and Marr Houses, ground levels were considerably reduced, which will almost certainly have destroyed any industrial archaeological remains. Consequently, no further archaeological work is required.

POLICIES:

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

B_2_Scale, massing layout and setting of new developments

B_11_Measures to protect the archaeological heritage of Sunderland (general)

B_13_Sites and monuments of local importance affected by development

B_14_Development in areas of potential archaeological importance

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

EN_10_Proposals for unallocated sites to be compatible with the neighbourhood

EN_12_Conflicts between new development and flood risk / water resources

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

H_4_Density of housing development to at least reflect that of the locality

H_16_Negotiation for affordable housing in major developments

H_21_Open space requirements in new residential developments (over 40 bed spaces)

SA_48_Identification / protection of strategic multi-user routes

T_8_The needs of pedestrians will be given a high priority throughout the city.

T_10_Protect footpaths; identify new ones & adapt some as multi-user routes
T_14_Accessibility of new developments, need to avoid congestion and safety problems arising
T_22_Parking standards in new developments

COMMENTS:

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

- 1) Principle of the Development.
- 2) Access.
- 3) Design and Layout.
- 4) Noise and Disturbance.
- 5) Impact on Local Infrastructure.

- 1) Principle of the Development.

The site lies within an area subject to policy EN10 of the Unitary Development Plan (UDP), which dictates that where the plan 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 principal use of neighbourhood.

In this regard, as the prevailing land use within the area is residential, with a mix of house types in evidence, the proposed residential development of the site is considered to accord with the principle of UDP policy EN10 as detailed.

In light of the above, the proposal is considered to accord with UDP policy EN10, and is considered to be acceptable in principle.

- 2) Access.

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

The key issues to be assessed in this regard relate to the positioning of the proposed new access to the site from Neville Road and the highways layout within the site as shown on the submitted indicative plan, which includes details of parking for the dwellings.

In this regard, the new access road is shown as 5.5 metres in width, incorporating a speed table traffic calming feature, the estate roads are 4.8 metres in width and access to courtyards is a minimum of 4.1 metres in width. Turning facilities are provided in the shared surface courtyards, sufficient for pantechincons and refuse vehicles. Details of a scheme of traffic calming would need to be submitted and agreed in writing with the Local Planning Authority prior to the commencement of development.

The submitted plan indicates a parking space to be provided for each dwelling with 15 parking spaces distributed across the site for visitors. This is considered to be satisfactory for the number of dwellings proposed, particularly given the

location of the site and ease of access to public transport in the form of bus routes at Saint Lukes Terrace and Pallion Metro Station by way of the adjacent Multi User Route.

The footpath/ cycle link to the multi user route to the north of the site is considered to be an important means of access for the permeability of the site and access to public transport, including Pallion Metro Station. Details of the proposals will be required at the reserved matters stage and this can be secured by condition.

As consent is sought for access at the present time, due regard has been given to this element of the proposal and as detailed above, the proposed new access road from Neville Road is considered to be appropriate as are the levels of car parking provision shown on the indicative site layout.

It is considered that the proposal accords with UDP policies T14 and T22 and is acceptable in terms of highway safety.

3) Design and Layout.

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

Policy H4 dictates that housing development should normally at least reflect the density of the locality, consistent with protecting and enhancing the character of the area.

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

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

As the details of the position, scale and appearance of buildings on the site are reserved matters, it is not possible to fully assess the impact of the development on residential properties. Notwithstanding this, the submitted indicative layout plan indicates that the properties will be mostly two storey dwellings, with some three storey properties included in the scheme.

The dwellings proposed along the western boundary of the site adjacent to the existing properties in Pallion Park are two storey and meet the required spacing standards. Within the development site, the indicative layout shows spacing standards compliant with the Council's guidelines, with slight reductions in spacing between the dwellings in the proposed courtyards.

The indicative layout is considered to be satisfactory both in terms of the number of dwellings proposed, the siting of the properties and the spacing between the properties. It is therefore considered that the proposal complies with UDP policies B2 and H4 as detailed.

4) Noise and Disturbance.

UDP policy EN6 seeks to ensure that where noise sensitive development is proposed which is likely to be exposed to unacceptable levels of noise from adjacent potentially noisy uses, the Council will require the applicant to carry out an assessment of the nature and extent of likely problems and to incorporate suitable mitigation measures in the design of the development.

As the site adjoins the U-Student village, which includes the communal bar and shop facilities described above, it is possible that future residents of the dwellings for which consent is sought, particularly those closest to the new university amenity building may be affected by noise. It was demonstrated in the original planning application that the proposed university amenity building is capable of achieving the Council's inaudibility criteria in respect of music noise and the Environmental Health Team has offered no observations in respect of the proposal to extend the time limit for implementation of the planning permission.

It is therefore recommended that the previously imposed condition be imposed requiring the submission and approval of a noise assessment at the time of a reserved matters application in order that the relationship between the proposed new dwellings and the adjacent student facilities can be fully considered and to accord with UDP policy EN6.

5) Impact on Local Infrastructure

UDP policy H16 notes that the City Council will negotiate with developers, on the basis of local needs and site suitability for elements of affordable housing on major new housing sites.

As the proposal is for outline consent on a site within an established residential area with a mix of house types, tenures and values in evidence, where a previous outline planning consent has been granted, without any specific requirement for affordable housing, it was not considered at the time of the previous application that there was a specific demonstrable need for affordable housing in this area and thus, the proposal was considered to be in accordance with UDP policy H16.

Additionally, the applicant submitted a viability assessment at the time of the original planning application which demonstrated that the scheme would not be economically viable for any developer were the Council to require the provision of affordable units on the site or an off-site contribution in lieu. In this current application to extend the time limit for implementation of the consent granted in 2010, the applicant has argued that the sale prices of nearby existing dwellings comparable to those proposed by this application have not increased since the previous development appraisal in 2010. Indeed, a four bedroom semi-detached property on Pallion Park recently sold for £125,000 which suggests that house prices have actually fallen slightly from those quoted in the previous appraisal. In addition, the applicant has advised that residential construction costs have been quoted to have increased by 15.38% in the time intervening between quarter 1 of

2010 and quarter 3 of 2013. These factors are likely to further drive down the profit for any future developer of the site, compared to the figures quoted in 2010 where the viability of the scheme was found to be such that an affordable housing contribution could not be justified. Given this situation and as this application is one to extend the time limit for implementation of a previously issued consent, it is not considered that the need for a contribution in respect of affordable housing could be justified on this occasion.

Policy H21 of the UDP relates to the provision of open space in new residential developments of more than 40 bed spaces and notes that amenity open space and casual play space should be provided at a minimum of 0.9 hectare per 1,000 bed spaces where the site is not within 0.5km of an existing neighbourhood or larger open space. Additionally, where the proposal is for family dwellings, formal (equipped) children's play space should be provided at a minimum of 0.2 hectare per 1,000 bed spaces.

The indicative layout and scale parameters of the development indicate that the proposal will provide in the region of 185 bed spaces and as such, policy H21 is relevant. An area of open space, 0.033 hectares in area is shown on the indicative site plan, which is slightly below the standards required by policy H21 and discussions were held with the applicant in this regard. Whilst it would be possible to incorporate a larger area of open space to the north-western boundary of the site, the proposed position is central to one of the residential courtyards and as such, more usable for residents of the proposed dwellings. In order to secure suitably equipped children's play space, it is permissible for applicants to opt to make a financial contribution towards the provision of new or upgrading of existing off site play equipment, via an agreement under section 106 of the 1990 Town and Country Planning Act. Consequently, it is considered that a note should be put on any consent granted requiring a section 106 agreement on the basis of a contribution of £701 per dwelling (current rate subject to increase) to be completed before any consent is granted on any subsequent reserved matters application. The open space shown on the indicative site layout and the potential for a future developer of the site to enter into a financial contribution for children's play space, it is considered that the proposal accords with UDP policy H21.

Conclusion

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

RECOMMENDATION: Approve

Conditions:

- 1 Application for approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last reserved matters to be agreed. Imposed pursuant to the provision of Section 91 of the Town and Country Planning Act 1990 as amended by section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 Details of the following matters (hereinafter referred to as the reserved matters) - Appearance, Landscaping, Layout and Scale shall be submitted to and approved in writing by the Local Planning Authority, in order to ensure a satisfactory form of development and to comply with policies B2 and T14 of the Unitary Development Plan.
- 3 Notwithstanding the information and indicative site plan (Drawing Number 1628-102-D) submitted in support of this Outline Planning Approval, precise details of the siting, height, design and external appearance of the proposed dwellings shall be submitted for the consideration of the Local Planning Authority at the Reserved Matters planning application stage. In order to achieve a satisfactory form of development on site and to comply with the requirements of policy B2 of the Unitary Development Plan.
- 4 Unless otherwise first agreed in writing with the Local Planning Authority, the development hereby granted permission shall be carried out in full accordance with the following approved plans:

The Proposed Access Road Plan - Drawing Number 83996/01, received 27 November 2009 and

The Site Location Plan, received 27 November 2009.

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.

- 5 No construction works required for the development hereby approved shall be carried out other than between the hours of 08.00 and 19.00 Monday to Friday and 08.00 and 14.00 on Saturdays and with no works to be carried out on Sundays or Bank Holidays, unless first agreed in writing with the Local Planning Authority, in the interests of residential amenity and to comply with policy B2 of the Unitary Development Plan.
- 6 Throughout the construction period, no deliveries shall be made to the site except between the hours of 08.00 and 19.00 Monday to Friday and between the hours of 08.00 and 14.00 on Saturdays and at no time on Sundays or Bank Holidays in order to protect the amenities of the area and to comply with policy B2 of the Unitary Development Plan.
- 7 Notwithstanding any specifications on the submitted plans details of all walls, fences or other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority before the development is commenced. The agreed boundary treatment shall be completed before occupation or in accordance with an agreed timetable, in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.
- 8 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping and treatment of hard surfaces which shall include indications of all existing trees and hedgerows on the land, and details for their protection during the course of development, in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.

- 9 All 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.
- 10 Notwithstanding any indication of materials which may have been given in the application, no development shall take place until samples of the materials and finishes to be used for the external surfaces, including walls, roofs, doors and windows has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details; in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.
- 11 Details of the proposed location of the sales/site office and construction compound shall be submitted to and approved in writing by the local planning authority in order to ensure a satisfactory form of development and to comply with policy B2 of the Unitary Development Plan.
- 12 Before the development commences details of the method of containing the construction dirt and debris within the site and ensuring that no dirt and debris spreads on to the surrounding road network shall be submitted to and approved by the Local Planning Authority. These details shall include the installation and maintenance of a wheelwash facility on the site. All works and practices shall be implemented in accordance with the agreed details before the development commences and shall be maintained throughout the construction period in the interests of the amenities of the area and highway safety and to comply with policies B2 and T14 of the approved Unitary Development Plan.
- 13 Notwithstanding the content or findings of the submitted Planning Noise Assessment (dated October 2009) a revised noise assessment shall be undertaken and a written report submitted to accompany any future submission for approval of Reserved Matters in connection with the development hereby approved.

For the avoidance of doubt the revised noise assessment report required to accompany any future submission for reserved matters shall contain the methodology used to undertake the assessment, the results of the assessment and precise details of noise mitigation measures proposed (if any) and a timetable for the implementation of those measures. The required noise assessment shall be undertaken in full accordance with the guidance contained in the World Health Organisation, Guidelines for Community Noise (1999) and British Standard 8233:1999, Sound Insulation and noise reduction for buildings - Code of practice and shall include an assessment of the impact of noise originating from the use of the University Amenity Building (located adjacent to plots 54-60) upon the

nearest residential properties (shown as plots 54-60 on indicative plan 1628-102-D, received 10 February 2010 or if the layout is varied at the Reserved Matters Stage, the nearest proposed dwelling to the site of the University Amenity Building).

Once approved in writing by the Local Planning Authority, the noise mitigation measures detailed in the submitted report shall be fully implemented in accordance with the approved details and retained as such for the lifetime of the development unless first agreed in writing with the Local Planning Authority in the interests of residential amenity and to comply with the requirements of policy EN6 of the Unitary Development Plan.

- 14 No development shall commence on site until precise details of visual screening to be erected between the side boundary of plot 54 and the rear boundaries of plots 55-60 and the University Amenity Building (or if the layout is varied at the Reserved Matters Stage, any dwellings on the site of these plots as shown on indicative plan 1628-102D, received 10 February 2010) have been submitted to, and approved in writing by, the Local Planning Authority. The approved screening shall then be fully erected in accordance with the approved details prior to the occupation of plots 54-60 (or any dwelling on these sites, if the layout is varied at the Reserved Matters Stage), and retained as such for the lifetime of the development unless otherwise first agreed in writing with the Local Planning Authority, in the interests of visual and residential amenity and to comply with the requirements of policy B2 of the Unitary Development Plan.
- 15 No development shall take place until a scheme of working has been submitted to the satisfaction of the Local Planning Authority; such scheme to include siting and organisation of routes to and from the site for construction traffic, and measures to ameliorate noise, dust, vibration and other effects, and so implemented, in the interests of the proper planning of the development and to protect the amenity of adjacent occupiers and in order to comply with policy B2 of the Unitary Development Plan.
- 16 Prior to the occupation of the first dwelling hereby approved, the boundary wall and railings to be erected to the eastern side of the approved access road (as shown on drawing number 83996/01) shall be fully completed in strict accordance with the approved plans and retained as such thereafter for the lifetime of the development unless otherwise first agreed in writing with the Local Planning Authority, in order to achieve a satisfactory form of development on site and to comply with the requirements of policy B2 of the Unitary Development Plan.
- 17 Prior to the occupation of the first dwelling hereby approved, the approved access road (as shown on drawing number 83996/01) and the areas approved for the parking of private vehicles shall be laid out fully in accordance with the approved plans and shall be made available for use in connection with the dwellings on site, in the interests of highway safety and residential amenity and to comply with the requirements of policies B2 and T14 of the Unitary Development Plan.

18 Prior to the commencement of development approved by this planning permission, other than site investigation works, the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the Local Planning Authority:

- 1) A preliminary risk assessment which has identified:
 - All previous uses
 - Potential contaminants associated with those uses
 - A conceptual model of the site indicating sources, pathways and receptors
 - Potentially unacceptable risks arising from contamination at the site.
- 2) A site investigation scheme, based on (1), to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required (i.e the removal, containment or otherwise rendering harmless any contamination) and how they are to be undertaken.
- 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to the approved details require the express consent of the Local Planning Authority. The scheme shall be implemented as approved by the Local Planning Authority as the information provided with this planning application indicates that the site has been subject to a potentially contaminative land use i.e an iron foundry. The environmental setting of the site is sensitive as it lies on the Magnesian Limestone principal aquifer. This condition will ensure that the risks posed by the site to controlled waters are assessed and addressed as part of the development in order to accord with policy EN14 of the Unitary Development Plan.

19 Prior to the occupation of any part of the development hereby approved, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long term monitoring and maintenance plan) for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan and for the reporting of this to the Local Planning Authority as the information provided with this planning application indicates that the site has been subject to a potentially contaminative land use i.e and iron foundry. The environmental setting of the site is sensitive as it lies on the Magnesian Limestone principal aquifer. This condition will ensure that the risks posed by the site to controlled waters are assessed and addressed as part of the

development in order to accord with policy EN14 of the Unitary Development Plan.

- 20 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted an additional method statement detailing how this unsuspected contamination shall be dealt with and obtained written approval of the additional method statement from the Local Planning Authority in order to ensure the safe development of the site to accord with policy EN14 of the Unitary Development Plan.
- 21 No development shall commence on the site until precise written details of a scheme for the management of the disposal (and storage, where appropriate) of surface water from the site has been submitted to, and approved in writing by, the Local Planning Authority. Once approved, the scheme shall be fully implemented in accordance with the approved documents and retained as such thereafter for the lifetime of the development unless otherwise first agreed in writing by the Local Planning Authority. In order to ensure that the discharge of surface water from the site does not increase the risk of flooding from sewers and to ensure the satisfactory storage and disposal of surface water from the site and to accord with the requirements of policy EN12 of the Unitary Development Plan.
- 22 Prior to the commencement of development, precise details of the proposed pedestrian link from the development site to the multi user route to the north shall be submitted to and approved in writing by the Local Planning Authority. Once approved, the pedestrian link shall be installed in accordance with the agreed details, prior to the occupation of the first dwelling and maintained as such thereafter unless first agreed in writing with the Local Planning Authority in order to achieve a satisfactory form of development and to accord with policies SA48.2, T8, T10 and T14 of the Unitary Development Plan.
- 23 Prior to the commencement of development, precise details of the proposed traffic calming on the access road to the site shall be submitted to and approved in writing by the Local Planning Authority. Once approved, the agreed scheme shall be installed in accordance, prior to the occupation of the first dwelling and maintained as such thereafter unless first agreed in writing with the Local Planning Authority in the interests of highway safety and to accord with policy T14 of the Unitary Development Plan.

Reference No.: 13/03760/FUL Full Application

Proposal: **Erection of a two storey temporary classroom block comprising 8 classrooms and enclosed stairwell for a period of two years on land to the north of the existing Sports hall and East of Somerleyton House.**

Location: Saint Anthony's Girls Catholic Academy Thornhill Terrace
Sunderland SR2 7JN

Ward: Millfield
Applicant: Kier North East
Date Valid: 11 December 2013
Target Date: 5 February 2014

PROPOSAL:

The proposal relates to the erection of a two storey temporary classroom block comprising 8 classrooms and enclosed stairwell for a period of two years on land to the north of the existing Sports Hall and East of Somerleyton House at Saint Anthony's Girls Catholic Academy, Thornhill Terrace, Sunderland.

The application has been submitted in tandem with a full planning application for the redevelopment of Saint Anthony's Catholic School, which involves the demolition of several existing classrooms on site. (ref. 13/03799/FUL).

The proposed redevelopment at the Academy is planned in three phases. Phase 1 includes the demolition of Our Lady's Hall and Frances De Sales in order to clear the area for the second phase which would be the construction of the proposed new O'Connell House building. The third phase involves the demolition of the Lourdes, Clitheroe, O'Connell buildings and the Sports Block and swimming pool, as well as the modern extensions to Somerleyton House.

Throughout the construction process the school will be short of a number of classrooms, as different parts of the school are demolished and facilities taken out of use and either demolished, restored or rebuilt.

The development will comprise 578 square metres of built floorspace, with the overall footprint measuring 29.5 metres in length, 12.4 metres in depth and reaching 6.8 metres in height. Sited between 13 -17 metres south of the boundary enclosure to the north that runs along Thornhill Terrace, the classroom block is to be constructed of pale grey composite panels.

In order to construct the classrooms, a temporary access track is proposed to the north of the existing playing field with the temporary widening of an existing access point on to Tunstall Road to allow the delivery of the classrooms. The wall is to be re-built once the classrooms are in place and the same process will be undertaken during the removal of the classrooms.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

English Heritage
Sport England
Millfield - Ward Councillor Consultation
Network Management
County Archaeologist

Final Date for Receipt of Representations: **10.01.201**

REPRESENTATIONS:

Sport England.

Sport England does not wish to raise an objection to the application as it is considered that the proposal meets the following exceptional circumstance;

"The playing fields which would be lost as a result of the proposed development would be replaced by a playing field of an equivalent or better quality and of equivalent or greater quantity, in a suitable location and subject to equivalent or better management arrangements, prior to the commencement of development."

Should Members be minded to approve the application it is recommended that a condition relating specifically to a playing field restoration scheme is imposed.

English Heritage.

English Heritage appreciate the need for temporary accommodation and so raise no objection to the proposal.

County Archaeologist.

No observations.

Third Parties.

No letters of representation were received.

POLICIES:

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

B_2_Scale, massing layout and setting of new developments
B_4_Development within conservation areas
B_6_Measures to preserve and enhance conservation areas
B_10_Development affecting the setting of listed buildings
CN_17_Tree Preservation Orders and replacement of trees

B_14_Development in areas of potential archaeological importance
T_14_Accessibility of new developments, need to avoid congestion and safety problems arising
CF_5_Provision for primary and secondary schools
L_7_Protection of recreational and amenity land

COMMENTS:

The main issues to consider in determining the application are:-

- (i) The Principle of the New Development / Policy Context.
- (ii) Design, Siting, External Appearance and Landscaping.
- (iii) Highways and Parking Issues.

Principle of the Development.

As of 27 March 2012, Paragraph 11 of the National Planning Policy Framework (NPPF) states that planning law requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 12 expands upon this and advises that the NPPF does not change the statutory status of the development plan as the starting point for decision making, as set out by Section 38(6) of the Planning and Compulsory Purchase Act (2004), and that proposed development that accords with an up-to-date Local Plan should be approved.

Paragraph 72 of the NPPF highlights the importance of ensuring that a sufficient choice of school places are available to meet the needs of the local community. The NPPF encourages Local Planning Authorities to take a positive and proactive approach to meeting this requirement, and also to development that will widen the choice of education, given great weight to the need to create, expand or alter schools; and work with schools promoters to identify and resolve key planning issues before applications are submitted.

The site in question is allocated under Policy L7 of the Unitary Development Plan (UDP). Policy L7 states in part:

"Land allocated for open space or outdoor recreation, as shown on the proposals map, will be retained in its existing use. This includes playing fields attached to school or other educational establishment. Permission for other uses on these sites will only be granted if:

- (i) Alternative provision, of an equivalent scale, quality and accessibility is made,
- (ii) The development is for educational purposes,
- (iii) There would be no significant effect on the amenity, recreational and wildlife habitat value of the site."

Policy CF5 requires that where possible, the requirements for the provision of secondary education needs will be accommodated primarily on existing sites.

It is therefore considered that the scale and temporary nature of the proposed classrooms accords with relevant policies of the UDP.

Design, Siting, External Appearance and Landscaping.

Policies B2, B4, B6 and B10 are all applicable in the assessment of the proposal. Policy B2 requires new developments to take into account the amenities of

adjoining properties, whilst policies B4 and B6 seek to ensure development preserves or enhances the character of the conservation area. Furthermore policy B10 aims to protect the character and setting of neighbouring listed buildings.

With reference to all of the above, it is noted that whilst planning consent would not normally be permitted for such temporary accommodation, given the larger redevelopment of the site and the complicated decanting issues that face the schools staff and pupils, it is considered that on balance the overall development of the site will enhance the Ashbrooke Conservation Area and the significance and setting of the listed buildings and other historic buildings within the site.

It is further recognised that the temporary classrooms are sited to the side of the main area of sports field and discretely coloured in order to minimise their unavoidably intrusive and unsightly impact.

Should members be minded to approve the proposal a condition shall be imposed requiring the land to be fully reinstated within 12 months of the removal of the classrooms to ensure the quality and quantity of the existing playing field is not diminished.

In light of the above and given that the application has been submitted in tandem with the larger redevelopment of the academy with the associated wider long term benefits to the academy and the area, the temporary classrooms proposal is considered to be acceptable.

Highway and Parking Issues.

Policy T14 of the UDP requires new developments to apply up-to -date standards to ensure satisfactory environmental results which meet both highway and safety requirements.

In this particular instance, given the temporary nature of the proposal, two distinct elements need to be considered. Firstly, ground protection of the school playing fields to allow the delivery and removal of the portable structures and secondly any modifications required to the existing access point on to Tunstall Road.

In order to construct the classrooms, a temporary haul route to the north of the playing fields has been identified, thus minimising any potential incursion into the existing playing field, running west / east and accessing at an existing gated entrance on to Tunstall Road.

It is acknowledged that the size of the existing access point is not sufficiently wide to facilitate the delivery of the classrooms, so enabling works will be required to temporarily widen this access point. Should members be minded to grant limited approval of the classrooms, it is recommended that a condition be imposed requiring a detailed drawing of the proposed alterations to this wall and access in the interests of visual amenity and highway safety.

It is further noted, and outlined in both the supporting Design and Access Statement that any alterations to the perimeter wall would be re-built once the classrooms were in place, and the same process would be undertaken during the removal of the classrooms. With this in mind, it is recommended that a further condition be imposed to ensure that the widened access point is reinstated as

proposed, to ensure that this additional entrance to the site is not used at any other time.

Further to consultations with the Network Management Section, it is recommended that delivery and removal of the portable classrooms takes place at the weekend whilst it is quieter and to avoid pupil / pedestrian conflict.

With the above in mind, it is considered that the delivery and removal of the classrooms can be undertaken with limited impact upon the existing highway network and subject to appropriate conditions the proposal is considered to be acceptable.

Other Issues.

The application has been supported by an Arboricultural Impact Assessment which provides appropriate tree constraints and protection measures, including details of the temporary haul roadway to be installed alongside the northern boundary of the academy playing fields. Notwithstanding that this element of the redevelopment, does not propose the removal of any trees, it is recommended that any works should be carried out in strict accordance with this assessment and as such should members be minded to approve an appropriate condition shall be attached.

Summary

In the context of the wider long term heritage benefits of the redevelopment of the academy, and subject to appropriate conditions to protect both the playing fields, tree roots and the access to the site, the proposal is considered to be acceptable. Members are recommended to approve the application for a limited period of two years, subject to conditions set out below.

RECOMMENDATION: Limited approval

Conditions:

- 1 This permission shall be granted for a limited period of two years from the date hereof and the use and temporary classrooms authorised shall be discontinued and the land reinstated to its former condition within 12 months following the removal of the classrooms in order to review the situation in the light of experience and to comply with policy B2 of the UDP.
- 2 Unless otherwise first agreed in writing with the Local Planning Authority, the development hereby granted permission shall be carried out in full accordance with the following approved plans:

Drawing No. G(90)011 Rev B, received 11.12.2013, Site Location Plan;
Drawing No. HD9319/03 Rev A, received 29.11.2013, Plans and Elevations of 8 on 8 DX402 Duplex Modules with Stairpod;
Drawing No. HD9319/02/3D, received 29.11.2013, 8 on 8 DX402 Duplex Modules - 3D External View;
Drawing No. TCXX(90)1011, received 11.12.2013, Temporary Classrooms;
Roof Plan received 29.11.2013.

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 No temporary classrooms shall be delivered to site until a playing field restoration scheme for the site edged on Drawing No.TCXX(90)1011 has been submitted to and approved in writing by the Local Planning Authority in the interest of protecting the long term use of the field and in accordance with policies B2 and L7 of the Unitary Development Plan. For the avoidance of doubt the restoration scheme shall provide details of the following:
- (i) existing and proposed ground levels;
 - (ii) existing and proposed soil profiles;
 - (iii) measures to strip, store and re-spread soils to avoid loss or damage;
 - (iv) measures to dispose of / accommodate waste materials on the site;
 - (v) drainage measures including where appropriate under drainage;
 - (vi) proposed seeding, feeding, weeding and cultivation measures;
 - (vii) boundary treatment;
 - (viii) five year aftercare and maintenance arrangements;
 - (ix) installation of equipment (e.g. goal posts);
 - (x) restoration and maintenance programme.

The playing field shall be restored in accordance with the approved scheme and be available for use within 12 months of the removal of the temporary classroom unit.

- 4 The construction works required for the development hereby approved shall only be carried out between the hours of 08.00 and 18.00 Monday to Friday and between the hours of 08.00 and 13.00 on Saturdays and at no time on Sundays or Bank Holidays (unless for the delivery, installation and removal of the classrooms which is to be agreed in writing with the Local Planning Authority prior to classrooms arrival on site) in order to protect the amenities of the area and to comply with policy B2 of the UDP
- 5 Before the installation of the classrooms hereby approved, details of the method of containing the construction dirt and debris within the site and ensuring that no dirt or debris spreads on to the surrounding road network shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the installation and maintenance of a wheelwash facility on site. All works and practices shall be implemented in accordance with the agreed details before delivery and shall be maintained through out the installation and later removal of the classrooms in the interest of the amenities of the area and highway safety and to comply with policy B2 and T14 of the adopted UDP.
- 6 The development hereby approved shall be carried out in accordance with details provided in Appendix 7 -BS5837 :2012 Tree Constraints and Protection Methods and Appendix 8 - Tree and Ground Protection Specification of the supporting Arboricultural Impact Assessment at St.Anthony's Catholic Girls School Document received 29.11.2013 and produced by Marshal Thompson Group Arboricultural and Ecological Consultants, in the interest of visual amenity and to comply with policy B2 of the UDP.

- 7 Before the installation of the temporary classrooms hereby approved, details of the alterations required to widen and subsequently reinstate the existing access on to Tunstall Road shall be submitted to and approved in writing by the Local Planning Authority in the interest of highway safety and to comply with policy T14 of the UDP. For the avoidance of doubt these details shall provide both detailed drawings, and a timetable of schedule of works.

Reference No.: 13/03799/FUL Full Application

Proposal: **Phased Redevelopment of St. Anthony's Girls Catholic Academy including the demolition of Our Ladys Hall, Frances De Sales Building, Lourdes Building, Clitheroe, O'Connell Building and Sports Hall / Swimming Pool block and demolition of the east wing of Somerleyton House to provide: replacement teaching accommodation, chapel, sports hall, dance studio and changing rooms; along with the refurbishment of the remainder of Somerleyton House, Westburn House Annex and North Lodge and ancillary buildings; together with associated landscaping, games courts, car parking spaces, creation of replacement vehicular access off Thornholme Road, external lighting, CCTV, removal of ten trees. (Amended Description and Plans received 10.01.2014).**

Location: Saint Anthony's Girls Catholic Academy Thornhill Terrace
Sunderland SR2 7JN

Ward: Millfield
Applicant: Secretary Of State For Education (EFA)
Date Valid: 6 December 2013
Target Date: 7 March 2014

PROPOSAL:

The proposal relates to the phased redevelopment of St. Anthony's Girls Catholic Academy including the demolition of Our Ladys Hall, Frances De Sales Building, Lourdes Building, Clitheroe, O'Connell Building and Sports Hall / Swimming Pool block and demolition of the east wing of Somerleyton House to provide : replacement teaching accommodation, chapel, sports hall, dance studio and changing rooms; along with the refurbishment of the remainder of Somerleyton House, Westburn House Annex and North Lodge and ancillary buildings; together with associated landscaping, games courts, car parking spaces, creation of replacement vehicular access off Thornholme Road, external lighting, CCTV and the removal of ten trees (Amended Description received 10.01.2014).

The application should be considered along with full planning application number 13/03760/FUL which proposes the erection of a two storey temporary classroom blocks comprising 8 classrooms and enclosed stairwell for a period of two years on land to the north of the existing Sports Hall and east of Somerleyton House.

Two supporting listed building consent proposals have also been submitted, the first for internal refurbishment and external repairs to North Lodge (see ref 13/03797/LBC) and the second relating to internal alterations to Westburn House and annex ; recladding and external alterations to Westburn House Annex; minor repairs to the external fabric of Westburn House and provision of facilities to provide Disability Discrimination Act Compliance (DDA) (see ref 13/03798/LBC).

The St. Anthony's Girls Catholic Academy has been granted funds to rebuild and repair the condition of their existing buildings as part of the Priority Schools Building Programme (PSBP) Government initiative. This is an initiative whereby schools in need of urgent repair were invited to bid from a capital grants for funds to rebuild or repair the conditions of the buildings.

Following the award of the capital funds the current proposal was subject to pre-application discussions with the Education Funding Agency, the agents design team, the academy, English Heritage, Sports England and other relevant stakeholders, in order to identify and address many of the site constraints and set parameters in terms of demolition works, general layout, form, height and positioning of the new blocks.

St. Anthony's Girls Catholic Academy is located within Ashbrooke Conservation Area in a predominantly residential area, bound to the west by Abbotsford Grove and the Grade II listed Cloverdale House, the north by the Grade II listed Thornhill Terrace, the east by St. Anthony's Convent of Mercy, Tunstall Road and to the south by Thornholme Road.

The site's significance, character and setting is derived fundamentally from the grand former Victorian and Edwardian villas within the site (Westburn House - Grade II listed and Somerleyton) that historically defined the nucleus of the school, post their original residential use. Further key heritage assets within the site include the Grade II North Lodge and The Piers and Walls to the north west of Westburn House.

The main access to the site is taken off Thornhill Terrace, with further access available from both Tunstall Road and Thornholme Road.

The proposed development at the Academy would see two phases of demolition, in order to facilitate complicated decanting issues and allow the existing student and teaching staff to remain on site during the redevelopment.

The amount of proposed new academy accommodation consists of two significant elements, the first element named the New O'Connell building covering a gross internal floor area of 6886 square metres and encompassing a four storey stepped design that includes a chapel, drama hall, main hall, dining and kitchen/servery area and all the required teaching facilities needed by a modern academy. Whilst the second element is a new Sports Block covering a gross internal floor area of 1087 square metres, providing a sports hall, home and away female changing facilities and a dance studio.

Access to the site is to be altered, with the opening up of the old gate posts fronting on to Thornhill Terrace requiring the removal of a small section of the existing boundary brick wall enclosure to allow pupil access, whilst the existing vehicular access that exists on Thornholme Road is to be built up with a new wider vehicular access more centrally sited along the wall installed leading to a

new staff car parking area providing 100 spaces including 3 mini bus parking spaces. A clear demarcation is proposed with access to pupils from the north and staff and deliveries from the south of the site. Six DDA/visitor parking bays are provided by the main entrance to the north, whilst the existing car park to the west of Westburn House is to remain for use as a staff overflow car park during school events.

Ten trees are identified for removal, four due to their poor condition and six that are in conflict with the development proposals, only one of the ten trees has been classified as being of moderate amenity value. New planting is proposed to replace and enhance the existing cover.

The proposal seeks to introduce a CCTV network within the site and provides a comprehensive lighting strategy for the external areas.

The application has been accompanied by a number of supporting documents as follows:

- Planning Statement
- Design and Access Statement
- Arboricultural Impact Assessment
- Bat Survey
- Flood Risk Assessment
- Heritage Statement
- Phase 1 Geo-environmental Assessment
- Geo-technical and Geo-environmental Assessment
- Landscaping Plan
- Noise Assessment
- Sustainability Statement
- Transport Statement and Travel Plan
- Structural Survey
- Statement of Community Involvement
- Construction and Phasing

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Millfield - Ward Councillor Consultation
Network Management
Environmental Health
Fire Prevention Officer
NE Ambulance Service NHS Trust
Northumbrian Water
Force Planning And Police Architectural Liaison Officer
Environment Agency
The Ancient Monuments Society
The Council For British Archaeology
The Georgian Group

The Society For The Protection Of Ancient Buildings
Twentieth Century Society
Victorian Society
County Archaeologist
English Heritage
Nexus
Sport England
St Michaels - Ward Councillor Consultation

Final Date for Receipt of Representations: **12.02.2014**

REPRESENTATIONS:

Sport England - note that the redevelopment of the school on what is a constrained site has not necessitated the loss of playing fields during either the construction phase or in the completed scheme. There is minor encroachment onto playing field associated with the new sports hall / changing block, but this is peripheral land which is not used for pitch sport. In light of the above the proposal meets the exceptional circumstances and no objection is raised. The redevelopment of the site brings a change in the sports facilities available to pupils with the creation of a new 4 court sports hall, dance studio and external 60 metres sprint track.

Natural England - comment that the application should be determined in accordance with their Standing Advice, and the relevant supporting documents have been forwarded to the Natural Heritage Team for consideration. Their findings will be summarised in the main body of this report. Natural England do note that the proposal may provide opportunities for both landscape and biodiversity enhancements within the site.

English Heritage - note that the proposal has been developed with the needs of the school firmly in mind: the logistics of decanting classrooms and accommodating the construction of new blocks whilst running the school has been critical to the design. The setting of both Somerleyton and Westburn Houses are both considered to be improved allowing more of an appreciation of the villas within their large gardens. Whilst it is acknowledged that the 4 storey block would provide a large building, subject to appropriate architectural detailing, it is recommended planning permission is granted.

County Archaeologist - No objections subject to the imposition of a condition requiring archaeological building recording before demolition of the Lourdes building, whilst further recording is made of Somerleyton House, Westburn House , North Lodge and the stables prior to their refurbishment/removal of modern additions.

Nexus - No objections to the proposal.

Environment Agency - No comments on the proposal.

Northumbrian Water - No objections subject to separation of foul and surface water and limits in accordance to discharge into the network.

Neighbours - Four letters of representation have been received raising concerns over the following:

- Procedural matters in uploading information on to the Council's website.
- Congestion on Thornholme Road during the redevelopment of the site.
- Student drop off on Thornholme Road increasing congestion.
- Alterations to the magnesium limestone wall on Thornholme Road and potential highway safety concerns.
- Inadequate recognition of the current parking problems around the school, associated highway safety issues, including the dropping off of students, the use of the park and ride scheme, guidance provided to parents.
- Implementation of the School Travel Plan.

Taken each of the above points in turn, matters pertaining to the City Council's website are constantly under review to improve the online service provided by the council. All information relating to the application, was made available to view, within a timely manner and provision was made that an adequate consultation period was provided.

In relation to matters of congestion on Thornholme Road, the developers have provided a construction and phasing programme indicating how deliveries and dispatches from the site will be carried out. Whilst it is acknowledged that large vehicles will be required to visit the site during the demolition/construction phases, the developers have scheduled weekly co-ordination meetings to minimise the potential impact upon both the operational school and the surrounding residential area.

In terms of students being dropped off at the Thornholme Road entrance, it should be noted that the development also introduces internal gates that will prohibit pupils entering the site from this access point, and as such the dropping off of students on Thornholme Road would not be in the pupils interest.

Concerns over the alterations to the magnesium limestone boundary wall on Thornholme Road, have been discussed with the agent and an amended plan was received dated 06.02.2014, that replaced the proposed railing with the existing limestone.

With regards the existing parking and congestion problems around the site, it is noted that the redevelopment of the academy does not increase pupil or staff numbers and both design and highway modifications have been made to the operational requirements of the academy to improve the existing parking/drop off/turning facilities for vehicles arriving at the site.

Having regard to the submitted travel plan, it is noted that this needs the full cooperation of the school for it to be successful and the appointment of a coordinator during the building operation will be sought by means of a condition should members be minded to approve the application.

POLICIES:

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

B_2_Scale, massing layout and setting of new developments
B_4_Development within conservation areas
B_6_Measures to preserve and enhance conservation areas
B_7_Demolition of unlisted buildings in conservation areas
B_8_Demolition of listed buildings
B_10_Development affecting the setting of listed buildings
B_11_Measures to protect the archaeological heritage of Sunderland (general)
B_12_Preservation of scheduled ancient monuments
B_13_Sites and monuments of local importance affected by development
B_14_Development in areas of potential archaeological importance
EN_5_Protecting sensitive areas from new noise/vibration generating developments
EN_11_Restrictions upon new development or intensified use of land liable to flooding
EN_12_Conflicts between new development and flood risk / water resources
EN_14_Development on unstable or contaminated land or land at risk from landfill/mine gas
CN_17_Tree Preservation Orders and replacement of trees
CN_22_Developments affecting protected wildlife species and habitats
T_14_Accessibility of new developments, need to avoid congestion and safety problems arising
T_22_Parking standards in new developments

COMMENTS:

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

- (i) The principle of the land use and demolition of existing buildings.
- (ii) The design, appearance and layout of the development.
- (iii) The impact upon neighbouring properties.
- (iv) The impact upon wildlife / trees on site.
- (v) Environmental considerations.
- (vi) Highway Issues.

The principle of the land use.

In assessing the principle of the land use, and the overall redevelopment of the Academy site, due consideration has been given to both the National Planning Policy Framework (NPPF) and City of Sunderland Unitary Development Plan (UDP).

The site in question is allocated under Policy L7 of the UDP. Policy L7 states in part that:

"Land allocated for open space or outdoor recreation, as shown on the proposals map, will be retained in its existing use. This includes playing fields attached to

school or other educational establishment. Permission for other uses on these sites will only be granted if:

- (i) the development is for educational purposes; and,
- (ii) there would be no significant effect on the amenity, recreational and wildlife habitat of the site."

Policy CF5 requires that where possible, the requirements for the provision of secondary education needs will be accommodated primarily on existing sites.

The use of the site as an academy and associated playing field will remain unchanged as a result of this proposal and any small loss of playing field is mitigated by the extra provision within the Academy of the MUGA and netball courts, which will increase the overall sports and play provision. In this regard the proposal complies with policies L7 and CF5.

In assessing the principle of demolition of the buildings identified within the site, due consideration should be given to NPPF paragraphs 131, 135 and 137. Paragraph 131 states that:

"In determining planning applications, local planning authorities should take account of:

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

Whilst paragraph 135 deals specifically with non-designated heritage assets and states in part that:

"In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."

In addition paragraph 137 states that:

"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."

With regard to the demolition of the Lourdes building it is accepted that the removal of this building is fundamental to facilitating the redevelopment of the academy. It is also recognised that the building has been substantially altered and extended in the past; as a result its significance has been considerably compromised and its contribution to the character and appearance of the Conservation Area diminished. It is therefore considered in this particular instance that in weighing up the limited significance of the building against the wider heritage, economic and social benefits of the redevelopment scheme, on balance, the loss of the building is considered acceptable.

The design, appearance and layout of the development.

In assessing the design, appearance and layout of the proposal, due consideration has been given to policies B2, B4, B6, B7, B8 and B10 of the UDP. Policy B2 states that:

"The scale, massing, layout or setting of new developments and extensions to existing buildings should respect and enhance the best qualities of nearby properties and the locality and retain acceptable levels of privacy; large scale schemes, creating their own individual character, should relate harmoniously to adjoining areas."

Due to the location of the school within Asbrooke Conservation Area, policies B4, B6 and B7 are of particular relevance.

Policy B4 requires that in part:

"All development within and adjacent to conservation areas will be required to preserve or enhance their character or appearance."

Whilst policy B6 expands upon the above policy by seeking measures including in part:-

"(i) Encouraging the retention of existing buildings and the improvement of features, open spaces, historic street patterns and plot boundaries;"

Policy B7 deals specifically with the demolition of unlisted buildings within conservation areas and seeks to balance the potential loss and impact upon integrity, character and appearance of the conservation against the replacement proposals.

In addition to the above, policies B8 and B10 relate specifically to proposals and their impact upon the character and setting of listed buildings.

With regards to the design of the two new blocks, the design and access statement which accompanies the proposal helps to explain the design philosophy behind the layout and how the site and its numerous constraints have informed the final design.

Members may recall that a previous application ref. 09/04006/FUL approved 04.12.2009 for phase 1 of the school redevelopment, removed the link building between Westburn House and the existing main hall, allowing the construction of a new two storey block of six classrooms (The McCauley Building). A further application ref. 11/03342/FUL approved 29.03.2012 then sought to remove further extensions to the rear of Westburn House and add a further two storey block of six classrooms completing the overall development of McCauley.

In approving each of the above applications the overarching design principles across the site were to maximise the appearance and setting of Westburn House, allowing the building to breathe and increasing views north/south through the site of both Thornhill Terrace and Cloverdale House (both of which are listed).

The proposed layout and design of the proposed New O'Connell Building seeks to continue this sensitive approach by protecting the setting of the surrounding listed buildings, whilst also being mindful of its proximity to Somerleyton. Designed with a footprint that shapes around the boundary to the north and east

of Cloverdale, the main structure of the building maintains the established orientation of the existing Westburn House and Somerleyton allowing each building to breathe, whilst providing a stepped and layered floor approach with the highest part of the building with the exception of roof plant and flues (approximately 15metres) being sited in the heart of the site and the lowest part of the building forming the main entrance to the chapel fronting Thornhill Terrace.

In terms of height, the proposed building reaches a similar height to the current Frances de Sales Building however it is noted that the extent of the proposed third floor area, exceeds the overall third floor area of the existing Frances de Sales Building. With this in mind and as a compromise the proposal has been designed to allow for the removal of the modern extensions to Somerleyton, therefore opening-up wider views of the southern and eastern aspects of the buildings and enhancing the setting of the heritage asset.

Visually, the proposed New O'Connell Building sits between two imposing buildings Westburn House constructed with Ashlar Stone (cream) and Somerleyton in a period red brick. In order to be sympathetic to both buildings, it is proposed that the New O'Connell Building is constructed with a mix of two types of brick, a buff brick to reflect Westburn House and a Red Brick to blend with Somerleyton, with the third floor utilising a metal cladding similar in appearance to McCauley.

The fenestration pattern provides predominantly square window openings to provide good levels of natural daylight and ventilation and these windows are to be recessed to add detail to the overall building. All of the windows and doors are to be polyester powder coated aluminium double glazed units.

The proposed sports hall and dance studio block are sited in a similar location to the existing facilities and do not encroach any further onto the playing fields or the landscaped gardens to Somerleyton than the existing buildings. Whilst, obviously a functional building the new sports block is considered to be of a higher design than the existing sports block, providing a variety in roof heights between the sports hall and dance studio with the building reaching a maximum height of approximately 11metres. Externally the inclusion of translucent glazing, metal cladding and the addition of the Academy badge on the large blank elevations adds architectural interest to the structure.

Situated between the proposed New O'Connell Building and the proposed sports hall, it is proposed to introduce a 60metres long sprint track, netball court and floodlit multi user games area, with further landscaping features including several social breakout areas, a sports briefing area, an amphitheatre garden feature, chapel garden, dining terrace and mathematical markings adjacent to the sprint track.

As previously mentioned, the proposal seeks the part demolition of the extensions to Somerleyton including the visually prominent mansard roof extension on the east facing elevation, introducing a new lift and staircase access for all floors, associated plant equipment is to be sited within the existing building with a new extraction flue to be located on the north side of the new stair enclosure.

With regards the proposed works to Westburn House, these include alterations to the front porch entrance to ensure compliance with DDA regulations,

incorporating an external ramped access, whilst visually it is proposed to re-clad in a contemporary style the extension to the building on the west elevation in a similar colour scheme to the McCauley building.

In terms of the proposed vehicular access arrangements along Thornholme Road and primarily the alterations to the existing stone boundary wall, following concerns over the proposed materials and potential loss of the existing historic stone an amended detail was received incorporating the existing materials in to the new and widened access point.

In conclusion, overall it is considered that the proposed redevelopment scheme exhibits sufficient design quality and is contextually sympathetic to its historic surroundings to ensure that the Conservation Area is enhanced and in particular the setting of the site's key historic buildings, Westburn House and Somerleyton. The proposal therefore satisfies the requirements of paragraphs 131, 135 and 137 of the NPPF, policies B2, B4, B6 and B10 of the UDP and the provisions of the Ashbrooke Supplementary Planning Guidance.

The impact upon neighbouring properties.

The application has been supported by a Statement of Community Involvement (SCI). The SCI states that a public consultation event was held at the academy on 05.11.2013, prior to the application being submitted. The event was open to all, including local residents and Councillors and received 136 registered attendees.

It is considered that the proposed location of the new school buildings would not significantly affect the amenities of existing neighbouring properties. The layout of the proposed New O'Connell building has been sympathetically sited to allow the existing surrounding properties, namely Cloverdale House to have a better outlook to the south east, whilst the removal of Lourdes from the site, will potentially increase the amount of natural sunlight / daylight that the east facing elevation of the aforementioned property and The Croft would currently receive.

There is an acknowledgement, that the south west corner of the New O'Connell Building does provide three floors of windows at an interface distance of approximately 21 metres with Cloverdale House, however following discussions with the agent it is considered that should members be minded to approve the proposal, a pre-occupation condition can be imposed to ensure that these windows are appropriately glazed in order to ensure privacy levels of local residents are not impinged upon. It is noted however that the footprint of the Lourdes building to be demolished, retains a very similar relationship in terms of separation distances.

The proposed MUGA and associated lighting is discretely sited to the east of the proposed New O'Connell building, therefore mitigating any potential impact in the form of noise or light pollution that could be produced from this area of the academy site. It is acknowledged that some noise will be experienced by residents of The Croft, given the rearrangement of the staff car parking area to the south of the site, however this would only be consistent with vehicular traffic movements at low speed and is not considered to raise concern in terms of levels of amenity afforded these properties. Furthermore, given that the school is not intending to increase either staff or pupil numbers it is unlikely the noise omitted

from the site would be significantly worse than levels currently experienced by residents.

With emphasis upon potential impact upon residents of noise, an assessment of limiting plant noise levels based on measured background levels has been undertaken, and goals have been set limiting the noise generated from fixed mechanical plant, so as to protect the amenity of existing residents.

In light of the above, the proposal is considered to comply with policy B2 and policy EN5, which seeks to ensure that development, does not increase significantly ambient sound levels in residential areas.

The impact upon trees / wildlife on site.

There are a number of policies that relate to the site from a nature conservation perspective. Paragraph 118 of the NPPF is of particular relevance and requires in part that development proposals where the primary object is to conserve or enhance biodiversity should be permitted, whilst UDP policies CN17 and CN22 seek to ensure that both habitats and species are safeguarded from unmitigated development.

Following pre-application discussions and a site visit with the agents, it was identified that a number of trees would have to be removed to facilitate the proposal. A supporting tree survey has been provided in support of the application.

Policy CN17 of the UDP states that:

"The city council will encourage the retention of trees which make a valuable contribution to the character of an area by the making of tree preservation orders and replacing trees in highways and other public areas, with species which help maintain the character of the locality. The retention of trees, hedges and landscape features in all new developments will be required where possible."

It is proposed to fell and replace 10 trees, 9 are considered to be of low amenity value and are of poor condition. Only one tree is considered to be of moderate amenity value, a lime tree which conflicts with the proposed 60 metres running track. Further tree preservation measures recommended are the use of cellular confinement sub base systems for the construction of the proposed new pedestrian access and car parking areas and the installation of tree protective fencing and temporary ground protection measures.

In light of the limited amenity value of the above species identified for removal within the tree survey, it is considered that this element of the development complies with policy CN17 and should members be minded to approve the proposal, conditions can be attached requiring the planting of suitable replacements and safeguarding of the existing species.

In addition to the tree survey, the site has been subject to a bat survey, which also checked for nesting birds and other features where conservation or biodiversity may be affected by the proposed development.

Policy CN22 of the UDP states that:

"Development which would adversely affect any animal or plant species afforded special protection by law, or its habitat, either directly or indirectly, will not be permitted unless mitigating action is achievable through the use of planning conditions and, where appropriate, planning obligations, and the overall effect will not be detrimental to the species and the overall biodiversity of the city."

The survey was undertaken during both 2012 and 2013 and overall, habitats within the surveyed area were of primarily low conservation value, although the trees are considered to be of local conservation value. The site was assessed to be of low local value to birds due to the disturbed nature of the site, and lack of cover available. There are no supporting habitats for otter or water vole, or for great crested newts, although hedgehogs, a Durham Biodiversity Action Plan Species, may be present on the site.

The Bat Surveys show that habitats within the site are primarily low value for foraging bats, and the risk of bats being present from surrounding habitats was considered to be low to moderate. Somerleyton House is considered to be of moderate to high risk of potentially roosting bats due to its complex structure, with Lourdes, the North Lodge and the south stable block being of moderate risk. Westburn House is to be of low risk to moderate risk, with the remaining buildings being of low risk. Overall, from the nature of the buildings and the surrounding habitat, the risk of roosts being present is considered to be low to moderate.

Following consultations with the Natural Heritage Team a Landscape Masterplan was received that supports the submitted Phase 1 Habitat Survey and Bat Survey prepared by E3 Ecology. The masterplan is generally welcomed in clarifying the general location of the various bat roost features and provide an appropriate level of biodiversity mitigation and enhancement measures. It is noted however that further consideration may need to be given to these measures pending any alterations to the final lighting proposals on the east side of the proposed New O'Connell Building.

It is therefore considered that with suitable mitigation measures to prevent bats/birds being harmed or disturbed during the works and to ensure that the site retains the potential to be used by bats/birds in a similar manner in the long term the development complies with policy CN22 and is therefore acceptable subject to appropriate conditions.

Environmental considerations

Policy EN14 of the UDP is relevant. This policy requires development proposals on land where there may be contamination, instability or gas from landfill to carry out necessary investigations and to provide appropriate mitigation, where necessary. In this case a Phase 1 Geo-environmental Assessment was submitted, supported by a further Geotechnical Assessment.

In light of receiving comments from the Environmental Health/Pollution Control section it is recommended that should members be minded to approve the proposal, the full suite of land contamination conditions be attached to be discharged on receipt of the findings of the above reports.

Flood risk and drainage.

Policy EN12 of the UDP seeks to ensure that new development will not impede the flow of flood water or increase the risk of flooding elsewhere, nor adversely affect the quality of ground or surface water or other waters. The proposal has been supported by a Flood Risk Assessment which has identified that the site lies within Flood Zone 1 and therefore is less than 0.1 per cent (1 in 1000) chance of flooding occurring each year. Furthermore and in accordance with Table 2 of the NPPF, as an educational establishment, the development is classed as more vulnerable, however because the Flood Zone is 1 and low risk, the proposed development is compatible and in accordance with the NPPF.

In terms of drainage the drainage system will be designed to a standard of a 1 in 30 year return period storm and this will improve the level of service currently provided on the site. Finished floor and ground levels will be designed so that events up to the 1 in 100 year plus climate change return period storm will not flood buildings.

The site is generally a like for like replacement. However, betterment is proposed for the site for the off-site discharge by limiting the flow and providing on site attenuation under the proposed southern car park in order to control the amount of drainage water reaching the network at peak flow times.

With the above in mind and subject to limiting water flows entering the existing drain network, should Members be minded to approve the application a condition shall be imposed requiring full details and programme of implementation of a surface water run-off limitation system to be submitted for approval, in order to mitigate any increased risk of flooding from the south of the site.

Highway issues

The relevant transportation policies, as set out in the UDP, namely T14 and T22 state that proposals for new development should:-

- (i) be readily accessible by pedestrians and cyclists as well as users of public and private transport from the localities which they are intended to serve;
- (ii) not cause traffic congestion or highways safety problems on existing roads. Where this criterion cannot be met modifications to the highways concerned must be proposed to the satisfaction of the relevant highway authority and the cost of these must be met by the developer;
- (iii) make appropriate safe provision for access and egress by vehicles (including buses), pedestrians, cyclists and other road users, paying particular attention to the needs of people with mobility impairment;
- (iv) make provision for the loading and unloading of commercial vehicles;
- (v) indicate how parking requirements will be accommodated.

The application has been supported by both a Transport Statement and Travel Plan and given it is acknowledged that the proposal will not result in an increase of pupil or staff numbers it is considered generally acceptable.

The proposed development will upgrade the facilities on site through a more rationalised access and parking arrangement, with the vast majority of the teaching staff utilising a new car park to the south of the site accessed off Thornholme Road. The staff parking would thus be away from the pupil point of access, which would remain off Thornhill Terrace, removing existing conflicts. Parent pick up and drop off would remain from Thornhill Terrace however parents

would be able to use the proposed accessible visitor parking and be able to turn on site.

The proposed new access arrangement is considered to be acceptable for staff and deliveries only, however following consultations with the Network Management Section it is recommended that should Members be minded to approve the proposal a condition shall be imposed requiring the access point from Thornholme Road to be provided with a dropped kerb / footway crossing arrangement rather than a kerb / radius bell mouth in the interest of highway safety.

Other Issues

The application is supported by a Sustainability Statement and Pre-Breeam Assessment that demonstrates the proposed academy has explored what forms of renewable energy would be acceptable on the proposed redevelopment and concluded that Solar Thermal, Photovoltaic Panels and Air Source Heat Pumps were all possible suitable technologies. The assessment also demonstrates that were the academy to be built in a sustainable manner then it would achieve a Breeam rating of "Very Good."

Conclusion

The phased redevelopment of the academy site has raised a number of important issues, which have been carefully considered above. The scheme provides an acceptable positive solution to the replacement and repair of the existing teaching and sports facilities, resulting in the redevelopment of two new well designed academy blocks, that not only provide functional buildings, but also increase the views and vistas around the site to the benefit of the listed buildings, non-designated heritage assets and conservation area as a whole. Furthermore the improved sports facilities across the site, alterations to the existing access arrangements to both the north and east of the site and increased security within the site are all considered to add to the overall enhancements brought forward through the proposal.

On balance, the academy redevelopment is considered to be acceptable, subject to appropriate conditions relating, in particular to the careful selection of building materials across the site and safeguarding of existing protected buildings, trees and wildlife. In light of above Members are recommended to approve the application, subject to the conditions set out below.

RECOMMENDATION: Approve

Conditions:

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

- 2 Unless otherwise first agreed in writing with the Local Planning Authority, the development hereby granted permission shall be carried out in full accordance with the following approved plans:

Plan No.G(90)002 Rev A , received 04.12.2013, Existing Block Plan;
Plan No.G(90)003 Rev C, received 14.02.2014, Proposed Block Plan;
Plan No.G(90)010 Rev B, received 04.12.2013, Site Location Plan;
Plan No.G(00)301 Rev A, received 04.12.2013, Existing Plan of Development;
Plan No.G(00)305 Rev A, received 04.12.2013, Existing Somerleyton House 1st Floor Plan;
Plan No.G(00)306 Rev A ,received 04.12.2013, Existing Somerleyton House 2nd Floor Plan;
Plan No.G(00)307 Rev A, received 04.12.2013, Existing Somerleyton House Roof Plan;
Plan No.G(00)314 Rev A, received 04.12.2013, Existing South Lodge Ground Floor Plan;
Plan No.G(00)382 Rev A, received 04.12.2013, Proposed South Lodge Ground Floor Plan;
Plan No.G(00)351 Rev C, received 27.01.2014, Proposed Plans, Ground Floor;
Plan No.G(00)352 Rev A, received 04.12.2013, Proposed Plans, 1st Floor;
Plan No.G(00)353 Rev A, received 04.12.2013, Proposed Plans, 2nd Floor;
Plan No.G(00)354 Rev A, received 04.12.2013, Proposed Plans, 3rd Floor;
Plan No.G(00)355 Rev C, received 17.01.2014, Proposed Plans, Roof Plan;
Plan No.G(00)356 Rev C, received 27.01.2014, Proposed New O'Connell House Ground Floor Plan;
Plan No.G(00)357 Rev A, received 04.12.2013, Proposed New O'Connell House 1st Floor Plan;
Plan No.G(00)358 Rev A, received 04.12.2013, Proposed New O'Connell House 2nd Floor Plan;
Plan No.G(00)359 Rev A, received 04.12.2013, Proposed New O'Connell House 3rd Floor Plan;
Plan No.G(00)360 Rev C, received 17.01.2014, Proposed New O'Connell House Roof Plan;
Plan No.G(00)361 Rev A, received 04.12.2013, Proposed Sports Block Ground Floor Plan;
Plan No.G(00)362 Rev A received 04.12.2013, Proposed Sports Block 1st Floor Plan;
Plan No.G(00)363 Rev A received 04.12.2013, Proposed Sports Block Roof Plan;
Plan No.G(00)366 Rev A received 04.12.2013, Proposed Somerleyton House Ground Floor Plan;
Plan No.G(00)367 Rev A received 04.12.2013, Proposed Somerleyton House 1st Floor Plan;
Plan No.G(00)368 Rev A received 04.12.2013, Proposed Somerleyton House 2nd Floor Plan;
Plan No.G(00)375 Rev A received 04.12.2013, Somerleyton House Proposed Refurbishment Works New Lift Core ground Floor Plan;
Plan No.G(00)376 Rev A received 04.12.2013, Somerleyton House Proposed Refurbishment Works New Lift Core 1st Floor Plan;

Plan No.G(00)380 Rev A received 04.12.2013, Somerleyton House Proposed Refurbishment Works Ground Floor Plan;
 Plan No.G(00)381 Rev A received 04.12.2013, Somerleyton House Proposed Refurbishment Works 1st Floor Plan;
 Plan No.G(00)502 Rev A received 04.12.2013, Existing Somerleyton House Elevations;
 Plan No.G(00)504 Rev C received 14.02.2014, Proposed New O'Connell House Elevations Drawing 1;
 Plan No.G(00)505 Rev C received 17.01.2014, Proposed New O'Connell House Elevations Drawing 2;
 Plan No.G(00)506 Rev B received 14.02.2014, Proposed Sports Block Elevations;
 Plan No.G(00)508 Rev A received 04.12.2013, Proposed Somerleyton House Elevations;
 Plan No.G(00)510 Rev C received 16.01.2014, Proposed Contextual Elevations (North Elevations:I,J,K,L);
 Plan No.G(00)511 Rev D received 14.02.2014, Proposed Contextual Elevations (North Elevations:N,M,O,P);
 Plan No.G(00)514 Rev A received 04.12.2013, Existing South Elevations;
 Plan No.G(00)515 Rev A received 04.12.2013, Proposed South Lodge Elevations;
 Plan No.BSXX(60)4004 received 04.12.2013, Site Plan Proposed External Lighting and CCTV;
 Plan No.G(00)304 Rev A received 04.12.2013, Existing Somerleyton House Ground Floor Plan;
 Plan No.G(00)512 Rev B received 16.01.2014, Existing Contextual Elevations (North Elevations:N,M,O,P);
 Plan No.G(00)513 Rev A received 04.12.2013, Existing Contextual Elevations (North Elevations:I,K,J, L);
 Plan No.CP1.1.400 Rev F received 03.02.2014, Landscape Masterplan;
 Plan No.L-1188-DES Rec C received 06.02.2014, Thornholme Road Boundary Elevations:

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 No alteration or demolition works of the Lourdes Building, Somerleyton House, Westburn House and Annexe, North Lodge and South Lodge Stables shall take place until a programme of archaeological building recording relating to the building to be worked upon has been completed in accordance with a specification provided by the Local Planning Authority prior to any development or demolition work taken place, in order to provide an archive record of the historic building or structure and to accord with saved Unitary Development Plan (UDP) Policies B11, B12, B13, B14 and paragraph 141 of the National Planning Policy Framework (NPPF).
- 4 Notwithstanding any indication of materials which may have been given in the application, no development shall take place until samples of the materials and finishes to be used for the external surfaces, including bricks, stone, cladding, rendering, roof membranes, glazing, curtain walling, windows and doors will be submitted to and approved in writing by the Local Planning Authority prior to their first use on the

development project. 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 Notwithstanding any indication of the materials which may have been given in the application, no landscaping development shall be installed/laid until a full schedule and/or samples of the materials and finishes to be used for the surfacing materials and schedule of new or replacement planting within 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 the approved details; in the interest of visual amenity and to comply with policy B2 of the UDP.
- 6 Notwithstanding the approved plans, no parts of the works hereby granted consent for the demolition of Somerleyton House shall be commenced until a full specification and method statement, of all repair and restoration works to Somerleyton House and historic boundary walls and gateposts around and within the site including brick repairs, mortar mix and method of finishing for re-pointing works etc. has been submitted to and agreed in writing with the City Council in its capacity as Local Planning Authority. If details of any works cannot be confirmed until demolition works commence, then these should be subject to approval under condition 7. Thereafter, the development shall not be carried out other than in accordance with the approved details, in the interest of maintaining the historic fabric of the building and to comply with UDP policy B7 and paragraph 135 of the NPPF.
- 7 Notwithstanding the approved drawings and following the removal of the east elevation extensions to Somerleyton House a detailed drawing shall be submitted to and approved in writing by the Local Planning Authority prior to any works required to reinstate/restore the east elevation of Somerleyton House and any associated works in the interest of visual amenity and to comply with policies B2 and B4 of the UDP.
- 8 Notwithstanding any specifications on the submitted plans, details of all new boundary treatment, security fencing / railings within the site, including cross sections shall be submitted to and approved by the Local Planning Authority in writing prior to installation. The agreed boundary treatment shall be completed before occupation or in accordance with an agreed timetable, in the interests of visual amenity and to comply with policy B2 of the UDP.
- 9 Notwithstanding any indication that may have been given on the submitted plans, and prior to any works to the boundary elevation required to facilitate the new pupil access to the site, details including elevations and cross sections of the reinstated curved brick wall and piers for the new pedestrian access from Thornhill Terrace shall be submitted to and approved in writing by the Local Planning Authority to ensure a satisfactory form of development and to comply with policies B2 and B4 of the UDP.
- 10 Notwithstanding any indication that may have been given on the submitted plans, and prior to any works to implement external ramps to Westburn

House, North Lodge and Somerleyton, full plans and cross sections of the DDA ramps and handrails showing the precise arrangement of junction between ramps and entrance steps of the historic buildings shall be submitted to and approved in writing by the Local Planning Authority to ensure a satisfactory form of development and to comply with policies B4 and B10 of the UDP.

- 11 The construction works required for the development hereby approved shall only be carried out between the hours of 08.00 and 18.00 Monday to Friday and between the hours of 08.00 and 13.00 on Saturdays and at no time on Sundays or Bank Holidays in order to protect the amenities of the area and to comply with policy B2 of the UDP
- 12 No deliveries shall be taken at or despatched from the site outside the hours of 08.00 and 18.00 Monday to Friday and 08.00 and 13.00 on Saturdays nor at any time on Sundays, Bank or Public Holidays (with the exception of the delivery, installation and removal of the temporary classrooms) to ensure that nearby properties are not adversely affected by the development and that highway safety is not compromised and to comply with policies B2 and T14 of the UDP.
- 13 The use of the sports hall shall not commence until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed agreement has been provided to the Local Planning Authority. The agreement shall apply to the sports hall (and associated changing accommodation) and include details of pricing policy, hours of use, access by non-educational establishment users, management responsibilities and a mechanism for review, and anything else with the Local Planning Authority in consultation with Sport England considers necessary in order to secure the effective community use of the facilities. The development shall not be used at any other time other than in strict compliance with the approved agreement. In order to secure the well managed safe community access to the sports facility, to ensure sufficient benefit to the development of sport and to comply with Section 8 Promoting Healthy Communities of the NPPF.
- 14 Unless otherwise agreed in writing by the Local Planning Authority, access to the site for both staff and construction workers shall be in accordance with the submitted park and ride scheme. The approved details shall be implemented prior to works commencing and shall remain in place until a time when the new staff car park to the south of the site is laid and brought into use, in the interest of the amenities of nearby residents and to accord with policy T22 of the UDP.
- 15 Before the installation of any external equipment associated with the Mechanical & Electrical Plant, full details of the ventilation/extraction/filtration system, including all external ducting, plant screens and stacks shall be submitted to and approved in writing by the Local planning authority. All works shall be completed in accordance with the agreed details before the use commences, in order to protect the amenities of the area and to comply with policy B2 and EN1 of the UDP.

- 16 Notwithstanding the submitted plans and prior to the car park being marked and laid out to the south of the site, full details and programme of the surface water run-off limitation system to be installed shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented in accordance with the approved programme and details with the surface water being limited to 30 litres/second in order to prevent the increased risk of flooding in the area and to comply with policy EN11 and EN12 of the UDP.
- 17 The development shall be carried out in accordance with the E3 Ecology Bat Survey St. Anthony's School, Sunderland, Report No.5 update received 12.02.2013 with particular reference to Section F : Mitigation and Recommendations and Drawing No. CP1.1.400 Rev F received 03.02.2014 submitted with the application. Prior to the commencement of development, copies of the aforementioned report shall be issued to the developer and building contractor, in order to ensure a satisfactory form of development and to comply with policy CN18 of the UDP.
- 18 Prior to the installation of the external lighting to the east facing elevation of the New O'Connell Building, the exact siting, aspect and levels of lighting should be submitted to and approved in writing by the Local Planning Authority. Thereafter, development shall not be carried out other than in accordance with the approved details; in the interest of protecting the retained and new bat roost sites and to comply with policy CN22 of the UDP.
- 19 Notwithstanding any details provided within the E3 Ecology Bat Survey St. Anthony's School, Sunderland, Report No.5 update received 12.02.2013 and prior to the disturbance of any known nests on site, a method statement that deals with birds, and includes details of the type and location of bird boxes to be installed on site shall be submitted to and approved in writing by the Local Planning Authority in the interest of ecology and in order to ensure a satisfactory form of development and to comply with policy CN18 of the UDP.
- 20 All 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 UDP.
- 21 Prior to the commencement of works on site, confirmation details of the appointed Travel Plan Coordinator as documented within the Travel Plan received 04.12.2013 shall be forwarded to the Local Planning Authority, in order to reduce the number of pupils arriving by car and increase the number of pupils using public transport, walking and cycling as a means of travelling to/ from school and be so implemented, in the interests of traffic mitigation and environmental sustainability and to comply with policy T14 of the UDP.

- 22 Before the installation of any CCTV units within the site, full details in terms of quantum, siting, fixings, and fields of vision shall be submitted to and approved in writing by the Local Planning Authority. The CCTV network shall be installed in accordance with the approved plans in order to ensure a satisfactory form of development and to comply with policy B2 of the UDP.
- 23 The development shall be carried out in complete accordance with the Marishal Thompson Group - Arboricultural Impact Assessment received 04.12.2013 submitted with the planning application. Prior to the commencement of development, copies of the aforementioned report shall be issued to the developer and building contractor, in order to ensure a satisfactory form of development and to comply with policy CN17 of the UDP.
- 24 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 25 to number 27 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 28 has been complied with in relation to that contamination. To ensure that risks from land contamination to future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the Unitary Development Plan
- 25 Unless otherwise agreed in writing by the Local Planning Authority development must not commence until an investigation and risk assessment, in addition to any assessment provided with the planning application, has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site (site characterisation), whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:
- (i) a survey of the extent, scale and nature of contamination;
 - (ii) an assessment of the potential risks to: human health property (existing or proposed) including building, crops, livestock, pets, woodland and service line pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments.
 - (iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11.'

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

- 26 Unless otherwise agreed by the Local Planning Authority, development must not commence until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environment Protection Act 1990 in relation to the intended use of the land after remediation. To ensure that the risks from land contaminated to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the Unitary Development Plan.
- 27 The remediation scheme approved under Condition number 26 (Submission of Remediation Scheme) must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimise, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the Unitary Development Plan.
- 28 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition number 25 (Site Characterisation), and when remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition number 26 (Submission of Remediation Scheme), which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared which is subject to the approval in writing of the Local Planning Authority in accordance with condition number 27 (Implementation of Approved

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

- 29 The development hereby approved shall be undertaken in accordance with the Kier - Construction and Phasing Report received 04.12.2013 unless agreed otherwise in writing by the Local Planning Authority in the interest of proper planning of the development and to protect the amenity of adjacent occupiers and in order to comply with policy B2 of the UDP.
- 30 Notwithstanding the submitted drawings, the southernmost west facing column of windows located within the west facing elevation of the New O'Connell building shall be fitted/partially fitted with smoked or non-opening obscure glazing to be agreed on completion and prior to occupation and shall be maintained as such thereafter, in order to achieve a satisfactory form of development and to comply with policy B2 of the UDP.
- 31 No tree shown to be retained on the approved plans shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. 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 UDP.
- 32 If any 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 UDP.
- 33 Before the trees which are the subject of this application are felled, 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, in the interests of visual amenity and to comply with policy CN17 of the UDP.
- 34 Prior to the creation of the new access onto Thornholme Road details of the layout including a dropped kerb /footway crossing arrangement, visibility splays on each side of the proposed access, and proximity to adjacent features including speed cushions, bus stops and street furniture shall be submitted to and agreed in writing with the Local Planning Authority. All works shall be carried out in accordance with the agreed details in the interests of highway safety and to comply with policy T14 of the UDP.

Reference No.: 13/04257/VAR Variation of Condition

Proposal: **Variation of Condition 2 (approved plans) and condition 14 (wall within four months) of previously approved application 13/02208/VAR to allow alterations to northern boundary treatment. (Part Retrospective).**

Location: Grindon Hall Christian School Nookside Sunderland SR4 8PG

Ward: St Annes

Applicant:

Date Valid: 23 December 2013

Target Date: 24 March 2014

PROPOSAL:

Members may recall that planning application 13/02208/VAR which sought a variation of Condition 2 (Approved Plans) of planning permission 12/02890/FUL to allow the location of games area in the north western corner of the site, provision of additional hard play space and minor modifications to the car park/drop off area, the addition of additional windows to the north eastern elevation and south western elevation of building and the addition of an additional door to south eastern elevation of the building and the construction of a 2 metre high brick wall adjacent to 6 - 8 Portman Square and 10 - 12 Porchester Square was presented for their consideration at the meeting of the Development Control (South and City Centre) Sub-Committee on 1st October 2013. Members resolved to approve the application and planning permission was subsequently approved.

The application under consideration in this report seeks permission for a variation to the plans previously approved under planning reference 13/02208/VAR and the removal of condition 14 in connection with the development at Grindon Hall school.

The variations to the previously approved plans comprise:

- the relocation of the boundary wall to the new car park area on the northern boundary
- the omission of the boundary wall and proposed games court from the north east corner of the site.

Whilst condition 14 which has been requested to be removed states:

"The 2 metre high brick wall boundary treatment positioned along the northern boundary of the site (adjacent to Porchester Square and Portman Square) shall be completed within four months of the date of this approval, unless an alternative timescale for construction is first agreed in writing with the local planning authority. In the interest of residential amenity and to achieve a

satisfactory form of development on site and to comply with the requirements of Policy B2 of the adopted Unitary Development Plan."

TYPE OF PUBLICITY:

Site Notice Posted
Neighbour Notifications

CONSULTEES:

St Annes - Ward Councillor Consultation
Director Of Childrens Services
Northumbrian Water
Environmental Health
Environment Agency
Network Management
Force Planning And Police Architectural Liaison Officer
Sport England

Final Date for Receipt of Representations: **04.02.2014**

REPRESENTATIONS:

Sports England - No Objections

Northumbrian Water - No Objections

Neighbours - Two letters of representation have been received that raised the following concerns:

- Loss of privacy;
- Increased noise levels;
- Potential Flooding;
- Lighting issues;
- Siting/distance of car park away from properties;
- Potential anti-social behaviour;
- loss of property value.

All of the matters above are covered within the main report with the exception of the loss of property value which is not a material consideration in the determination of this proposal.

POLICIES:

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

B_2_Scale, massing layout and setting of new developments
T_14_Accessibility of new developments, need to avoid congestion and safety problems arising
T_22_Parking standards in new developments
L_7_Protection of recreational and amenity land

COMMENTS:

The school site sits within a plot bounded by Pennywell Road to the west and Nookside to the south and is boarded by residential dwellings to the south and north boundary. To the east is a former sports field as well as The Nook Aged People's Hostel. Grindon Hall School was formerly Grindon Hall Hospital, but it became a school in 2000.

Within the site there are three main teaching blocks with the majority of the car parking to the north and south of the main school building. The perimeter of the site provides a variety of boundary enclosures and a mixture of hedgerows and trees (including trees protected by Tree Preservation Orders) across the site.

The topography of the site has a gentle fall towards the east by approximately 1 metre.

The previous approvals ref.12/02890/FUL and 13/02208/VAR, have been implemented with tree removal, the construction of the new school block reaching completion.

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

- The impact of the proposed variation upon the visual and residential amenity of neighbouring residential properties.
- Highway Safety.

The impact upon visual and residential amenity.

Policy B2 of the Unitary Development Plan states in part that:

"The scale, massing, layout or setting of new developments and extensions to existing buildings should respect and enhance the best qualities of nearby properties and the locality and retain acceptable levels of privacy;"

In terms of the impact upon visual amenity, the wall (currently under construction), has been relocated following groundworks to the car park that uncovered existing services, that subsequently required the car park to be laid at the existing levels without scraping the site to lower the overall surface. Due to the subsequent changes in the level of the car park, it was considered that the previously approved wall would not provide an adequate screen/noise barrier between the car park and the rear of the properties at Nos.11 and 12 Portchester Square and as such both the siting and height of the wall have been altered in order to achieve a more satisfactory boundary solution.

The current proposal seeks to move the wall approximately 3.1 metres further to the east of the site and off the shared common boundaries with Nos.11 and 12. Measuring approximately 30 metres in length, the wall reaches 2.0 metres when measured from the car park side and 3.1 metres from the north side, where a brick retaining wall has been constructed to accommodate the footings. (The wall has been constructed using an Ibstock Brick, Birtley Commercial Red).

The 3.1 metres wide strip of land remaining between the wall and the shared common boundary is to be planted with appropriate hedging and should members be minded to approve the proposal it is recommended that a condition requiring the submission of a dedicated landscaping and maintenance scheme is attached in the interest of visual amenity.

With regards to the impact of the development upon levels of residential amenity, whilst the wall is higher when viewed from the residential properties to the rear, the increased distance away from the shared common boundary significantly reduces any potential for overshadowing, loss of daylight /sunlight and any loss of privacy incurred by overlooking is removed due to the 2metre high wall restricting views into the rear garden and ground floor windows of the residential properties. Furthermore the application will serve to prevent any potential glare from car head lights using the car park, particularly during the winter months, removing concern over light pollution and will offer an increased degree of noise attenuation due to the re-siting of the wall acting as a dampner although it is noted that vehicle movements will be limited to the periods at the beginning and the end of the school day when the drop off area is likely to be at its busiest.

With particular reference raised by the neighbouring residents with regards to the land to the north of the wall being used by local youths, the area of land which is contained within the site of the school is gated off at both ends and access would only be available by the scaling of the existing boundary enclosures, therefore making any gatherings a matter of trespass. Whilst this matter is outside the control of the Local Planning Authority, the imposition of an appropriate landscaping condition, could seek to address the treatment of the boundary walls by planting aggressive, prickly shrubs and climbers.

Matters pertaining to flooding have been addressed in the layout of the car park and any surplus water would be directed to the existing drainage network for the school.

On balance, the proposal is considered to provide a suitable form of development that retains existing levels of privacy and with the implementation of a suitably maintained landscaping scheme will provide a significantly more attractive corridor and screen between the car park and the residential properties.

Highways.

Policy T22 of the UDP relates to the provision of private parking and seeks to ensure appropriate levels of car and cycle parking within development proposals. The current application seeks no alterations to the existing layout or number of spaces available and as such raises no concerns in terms of highway safety.

Other Issues

In light of the proposal not to build the previously approved boundary wall, condition 14 is considered to be unnecessary and due to the part retrospective nature of the current proposal, it does not seem necessary to impose a similar condition on this current application. Furthermore the removal of the games court and associated boundary wall to the north east of the site are considered to be acceptable omissions from the proposal, following comments received from Sports England stating that the proposed area of the site previously identified for the games court does not form part of the existing school playing fields.

Conclusion

The proposed variation of condition 2 (plans) and removal of condition 14 (construction within 4 months) approved on the previous planning approval are considered to be acceptable, subject to the imposition of a landscaping condition. However, publicity in the form of a press notice in connection with the proposal has yet to expire.

Members are therefore recommended to delegate the decision to the Deputy Chief Executive who is minded to approve the application, (and on the basis that no further representations are received on grounds not already addressed in this report) subject to the conditions set out below. In the event that further objections to the scheme that have not already been addressed in this report, are received the application will be referred back to Members for their further consideration at the earliest opportunity.

RECOMMENDATION: Delegate to Deputy Chief Executive

Conditions:

- 1 The development to which this permission relates must be begun not later than three years beginning with the date on which the original permission was granted (19 April 2013) to ensure that the development is carried out within a reasonable period of time.
- 2 Unless otherwise first agreed in writing with the Local Planning Authority, the development hereby granted permission shall be carried out in full accordance with the following approved plans:

Drawing No.P652 Rev.C received 23.12.2013, Site Plan as Proposed.
Drawing No.P653 received 23.12.2013, Site Section.

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

- 3 Notwithstanding any indication of materials which may have been given in the application the materials and finishes to be used for the external surfaces, including walls, roofs, doors and windows shall be in accordance with the details set out below:

Render Rainscreen - Weber WeberSil TF 150 Slate Grey;
Brick Feature - Hanson Macerend Dark Grey Mortar Layer and Old Yorkshire Stone Face Layer;
Timber Rainscreen - Grade A Syberian Larch, RW008 profile;
Windows and doors - PPC Aluminium RAL 7015;
Roof - Single Ply Membrane Light Grey;
Flashings - PPC Aluminium RAL 7015.

The development shall not be carried out other than in accordance with the above approved details unless otherwise first agreed in writing with the Local Planning Authority in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.

- 4 The development hereby approved shall take place in strict accordance with the approved Dust Management Strategy received 18 June 2013; and approved Drawing number P01229-02 C 68 received 18 June 2013 in the interests of the proper planning of the development and to protect the amenity of adjacent occupiers and in order to comply with policy EN1 and B2 of the UDP.
- 5 All works and practices on site to contain dirt and debris within the site and ensure that no dirt and debris spreads on to the surrounding road network shall be implemented in strict accordance with the Dust Management Strategy received 18 June 2013 (approved 28 August 2013) and shall be maintained throughout the construction period in the interests of the amenities of the area and highway safety and to comply with policies B2 and T14 of the approved UDP.
- 6 A monitoring report in connection with Grindon Hall School Travel Plan, October 2012, shall be prepared and submitted to the Local Planning Authority for their written approval on an annual basis in order to reduce the number of pupils arriving at school by car and increase the number of pupils using sustainable means of transport. In the interest of traffic mitigation and sustainability and to comply with the requirements of Policies T1 and T14 of the adopted Unitary Development Plan.
- 7 The car parking and pick up and drop off points shown on Drawing Number P652 Revision B shall be laid out and made available for the parking of vehicles and shall be retained as such for the lifetime of the development and shall be used for no other purpose, unless otherwise first agreed in writing with the Local Planning Authority. In the interest of highway safety and residential amenity and to comply with the requirements of Policies B2 and T14 of the adopted Unitary Development Plan.
- 8 Precise written details showing the location of the ecological mitigation and enhancement measures set out in section E: Mitigation and Recommendations of the Extended Phase 1 Survey, Grindon Hall Christian School, Report No R07, Update, September 2012, shall be submitted to, and approved in writing by, the Local Planning Authority. The ecological mitigation and enhancement measures shall then be carried out in strict accordance with the approved details unless otherwise first agreed in writing with the Local Planning Authority. In the interest of Nature Conservation and to comply with the requirements of Policy CN18.
- 9 The ecological mitigation and enhancement measures indicated in "Section E Mitigation and Recommendations" shall be fully implemented as set out on pages 31 and 32 of the Extended Phase 1 Survey, Grindon Hall School, Report No R07, Update, September 2012, received 19 October 2012. In the interest of nature conservation and to comply with the requirements of Policy CN18 of the adopted Unitary Development Plan.
- 10 The erection of fencing for the protection of any retained trees shall be undertaken in accordance with the details contained on Drawing Number PL1216.M200 Rev A Tree Retention and Removal Drawing received 28

February 2012, before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority, in the interests of visual amenity and to comply with policy CN17 of the UDP.

- 11 All 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 and CN17 of the adopted Unitary Development Plan.
- 12 The construction works required for the development hereby approved shall only be carried out between the hours of 07.00 and 19.00 Monday to Friday; and between the hours of 07.00 and 14.00 on Saturdays and at no time on Sundays or Bank Holidays in order to protect the amenities of the area and to comply with policy B2 of the UDP.
- 13 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared 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

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

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

- 14 Notwithstanding the approved plans, a full landscaping/implementation timetable and maintenance plan for the land to the north of the car park boundary wall and to the rear of Nos.11 and 12 Portchester Square shall be submitted within three months of the date of this approval and agreed

in writing with the Local Planning Authority. In the interest of visual amenity and to achieve a satisfactory form of development on site and to comply with the requirements of Policy B2 of the adopted Unitary Development Plan.