

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 (General Development Procedure) Order 1995.

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

1.

North
Sunderland

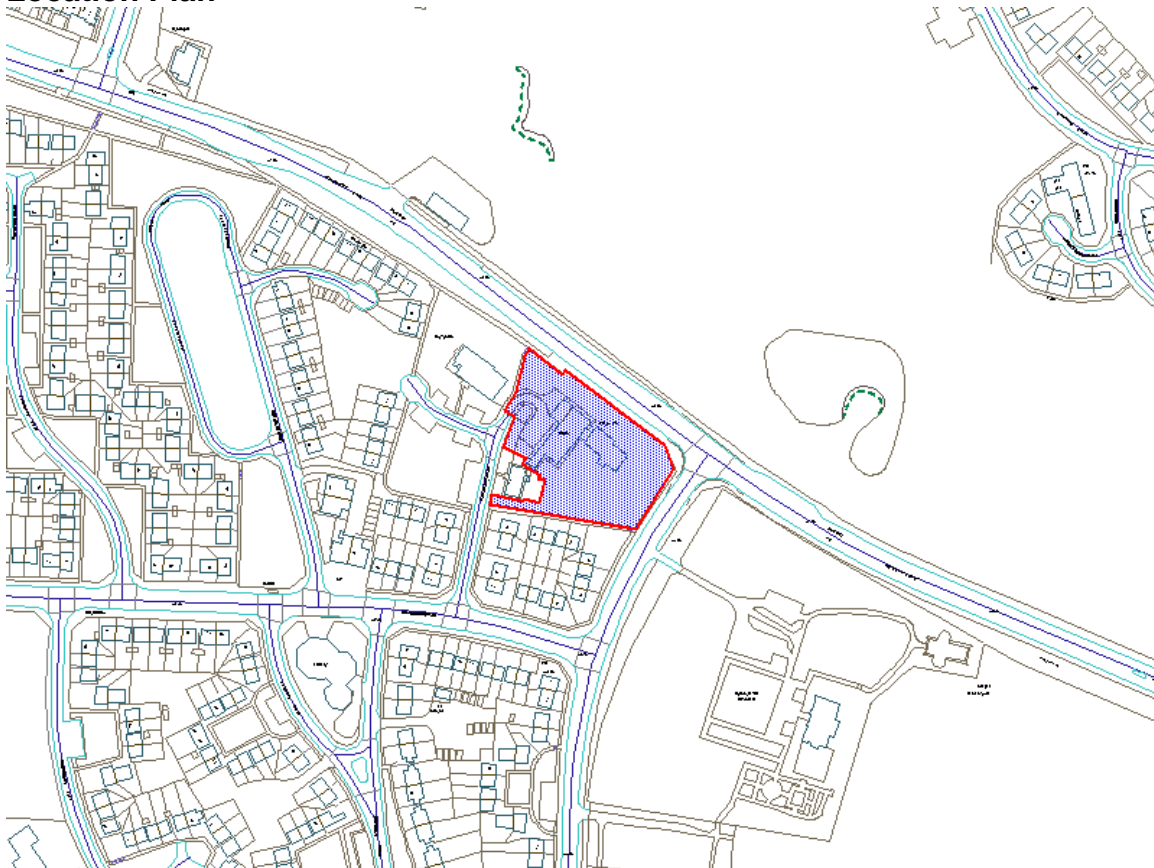
Reference No.: 10/01004/VAR Variation of Condition

Proposal: Variation of condition 2 (approved plans) attached to planning application 09/03711/FUL to remove electricity sub-station from the approved layout and to allow minor revisions to the appearance of plot no's 21 and 22. Removal of conditions 7 and 18, which specifically relate to the construction / use of the electricity sub-station.

Location: Former Health Centre Coleridge Road Sunderland

Ward: Castle
Applicant: Barratt Newcastle
Date Valid: 23 March 2010
Target Date: 22 June 2010

Location Plan



This map is based upon the Ordnance Survey material with the permission of the Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Licence No. 100018385. Date 2009.

PROPOSAL:

This application by Barratt Newcastle Ltd is to enable minor alterations to the redevelopment of the former Hylton Castle Health Centre, site in Castletown. Following the issuing of this most recent consent, the developer has proceeded to commence development and has duly been informed by NEDL that they no longer consider it necessary for an electricity sub station to be present on site.

As a result of the removal of the substation, some other minor changes have now occurred to the layout of the internal courtyard, including the re-arrangement of car parking spaces and to the adoption of the internal footpath which runs around internal courtyard. As a consequence of the internal footpath being offered for formal adoption.

As such, the application being considered seeks to:-

- Revise condition no 2 attached to consent 09/03711/FUL to include the plan no's for the revised site layout and amended elevations of plot no 21 and 22.
- Remove condition no 7 (Substation noise assessment) attached to consent 09/03711/FUL.
- Remove condition no 18 (Substation method statement) attached to consent 09/03711/FUL.

To recap, the 0.39Ha site is in a predominately residential area, located to the south of Washington Road, Hylton Castle and at the junction with Craigavon Road, approximately ½ mile north of the A1231 Wessington Way. Access to the site is taken from the rear (not from the aforementioned main road junction) via Coleridge Road. To the immediate south west is a 1960's bungalow, which was constructed as a caretakers residence to serve the health centre which, until recently was present on site. This was demolished approximately 18 months ago in order to prepare the site for redevelopment. Further to the south and to the west of the site lies post-war former Local Authority housing typical of that found throughout the City. To the immediate west is situated the "Hylton Castle and Town End Farm Boys Club" while on the opposite side of Washington Road and Craigavon Road to the north and east respectively there are a number of large mature trees that form part of the area of the old West Town Moor.

The topography of the land gradually slopes uphill approximately 2m before reaching a steeply sloping 2 metre high bank on the northern perimeter of the site, where it meets Washington Road. The boundary treatment found on this bank comprises a reconstituted stone wall with a metal railing to the topside of the wall. The boundary treatment to the South consists of black painted hoop-top railings and low brick built dwarf walls, with timber close boarded fencing to the perimeter of the boundary to the adjacent bungalow to Coleridge Road. An existing pedestrian route and public right of way links the north-western corner of the site on Washington Road with Coleridge Road, to the rear of the site. Several trees are present around the perimeter of the site, particularly along the southern side. Council records show that none of these are currently protected by virtue of a Tree Preservation Order.

It should be noted that at present the access road / courtyard arrangement is already set out and partially constructed. The proposed layout shows the properties arranged around the perimeter of the site, with a central paved courtyard to the south eastern corner acting as a focal point. This layout has on the whole, remained consistent across the course of the three applications.

Members may recall that there have been 3 previously approved submissions by Barratt for the site, namely application no's 07/02758/FUL, 08/01231/SUB and the most recent, 09/03711/FUL, which was for 25 No. houses. This most recent

application was considered at the Sub Committee meeting held on 05 January 2010, where Members agreed to delegate the matter back to the Deputy Chief Executive for determination, subject to the completion of a Section 106 legal agreement in lieu of on site children's play facilities being completed prior to the last date for determination (18 January 2010). It should be noted that during the consideration of this most recent application, Members requested to visit the site at the meeting of the Sub Committee on 03 November 2009. This visit took place on 27 November 2009.

The site is not subject to any specific land use designation in the Unitary Development Plan (UDP) and has been advertised accordingly.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Executive Director of City Services -Transportation.

Final Date for Receipt of Representations: **09.04.2010**

REPRESENTATIONS:

Neighbours.

Whilst letters have been received from neighbours during the consideration of previously submitted applications, no further letters have been received in respect of this further application.

Consultees.

Executive Director of City Services (Transportation) has no objections to the scheme, as the parking provision is consistent with that approved previously on the site. Further details on the parking arrangements can be found in the Comments section below.

POLICIES:

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

B_12_Preservation of scheduled ancient monuments
B_13_Sites and monuments of local importance affected by development
EN_10_Proposals for unallocated sites to be compatible with the neighbourhood
T_14_Accessibility of new developments, need to avoid congestion and safety problems arising
T_22_Parking standards in new developments
CN_17_Tree Preservation Orders and replacement of trees
CN_18_Promotion of nature conservation (general)
B_2_Scale, massing layout and setting of new developments

COMMENTS:

The key issues to consider are:-

- The principle of the use on the site.
- The appearance and layout of the development.
- The impact upon neighbouring properties.
- The impact upon trees on site
- Environmental Considerations
- The potential archaeological implications to the site.
- Highways Issues
- Childrens Play

The principle of the use on the site.

The site is subject to UDP Policy EN10, which requires development to be consistent with the prevailing land use of the area.

Although the site is not considered for housing on the UDP proposals map the site is brownfield in a predominantly residential area and therefore the re use of the site for housing purposes is consistent with Policy EN10. Such a conclusion has been made when all previous applications on the site have been considered. There have been no material changes to the manner in which the Local Planning Authority (LPA) considers such matters since this date and as such, the LPA's opinion remains the same. It is therefore considered that this application to revise and remove conditions attached to consent 09/03711/FUL are consistent with the relevant UDP policies, and is acceptable.

The appearance and layout of the development.

Policy B2 of the UDP requires that the scale, massing layout and setting of new developments should respect and enhance the best qualities of nearby properties and the locality, relating harmoniously to adjoining areas.

As outlined in the introduction to this report, this application to vary the approved site layout has been submitted due to there no longer being a requirement for an electricity sub-station to service the site. The principal underlying change from the previous schemes is this removal of the substation, which is shown as being replaced by 2 no car parking spaces, which are being relocated from the central landscaped area. It is considered that this change will be beneficial to the development, resulting in a larger area of amenity space within the central courtyard area and an improved road / parking layout.

In addition, the only other notable change is the minor alteration of the floor levels in plots 21 and 22. This is a result of detailed levels having now been taken as works are progressing on site and it has become apparent that in order to maintain level access from the footpath, Plot 21 has been raised by 150mm and plot 22 raised by 600mm. It is not considered that these minor changes will result in any detrimental change to the development or result in the creation of conditions that will adversely effect the amenities of the area.

Overall, it is therefore considered that the design of the scheme still complies with the requirements of Policy B2 of the adopted UDP and as such, it is recommended that Members allow condition 2 of consent 09/03711/FUL to be altered to enable the plans which show the details of the revised site layout and plots 21 and 22 to be included on the list of approved plans.

The impact upon neighbouring properties.

Policy B2 of the UDP requires that the scale, massing layout and setting of new developments should respect and enhance the best qualities of nearby properties and the locality, relating harmoniously to adjoining areas. Other Council documents which provide useful guidance when considering the impact upon neighbouring properties include the Residential Design Guide adopted in October 2008, Supplementary Planning Guidance (SPG) adopted on 21 June 2000 and the draft Supplementary Planning Document (SPD).

The submitted layout is consistent with the previously approved scheme insofar as the positioning and footprints of dwellings is concerned. As already stated, the only change in terms of building position relates to the removal of the electricity substation in its entirety. The substation had been the subject of an objection by the occupier of former caretakers bungalow. As such, the proposed revised layout is therefore considered to be an improvement on that which was previously approved and meets the requirements of UDP Policy B2 and the guidance set out in the SPD and the SPG.

The impact upon trees on site.

UDP Policy CN17 and CN18 are applicable to this site, in terms of nature conservation. CN17 encourages the retention of trees on site, where they help to contribute towards the character of an area and CN18 requires developers to provide nature enhancements to sites, where appropriate.

The replacement planting proposed is as was shown previously and is therefore considered acceptable. With the previous submission (which included the substation), it was considered necessary for a condition to be imposed requiring

submission of the special construction methods proposed to construct the substation, in order to ensure that any foundations would not damage the trees that were to remain on site. Due to the sub station no longer being required, it is therefore not considered as being necessary or reasonable to impose such a condition and as such, it is proposed that Members agree to allow condition no 18 of consent 09/03711/FUL to be removed. Notwithstanding this, it is considered that the proposal will meet the requirements of Policies CN17 and CN18 of the UDP.

Environmental Considerations.

Policies EN5 and EN14 of the UDP have been considered during the assessment of this application. These provide guidance on environmental factors.

Noise

During the consideration of the approved scheme which included the substation, Environmental Health requested that a noise assessment be submitted, in order to ensure that there are no adverse effects caused by any noise that it may have created. Condition no 7 of the approval issued required such details to be submitted. Due to the sub station no longer being required, it is therefore not considered as being necessary or reasonable to impose such a condition and as such, it is proposed that Members agree to allow condition no 7 of consent 09/03711/FUL to be removed. Notwithstanding this, it is considered that the proposal will meet the requirements of Policies EN5 and EN14 of the UDP.

Highways Issues.

Policies T14 and T22 of the UDP cover matters relating to ensuring that developments are easily accessible and have adequate levels of parking.

As agreed previously, the scheme accords with the requirements of UDP Policies T14 and T22 and is therefore acceptable in highway terms. The previous arrangement included a car parking layout which resulted in 2 no parking spaces being located within a central landscaped area within the internal courtyard, which have now been relocated to the site of the substation, which is on the whole considered as being an improved arrangement and as such, accords with Policies T14 and T22 of the UDP. As such, the variation of condition 2 of consent 09/03711/FUL to enable the plans which show the details of the revised site layout, which includes the repositioned parking spaces is considered acceptable.

Children's Play.

Policy H21 of the UDP sets out the requirements for open space provision within new developments. As the scheme proposes over 10 dwellings with 2 bedrooms, the applicant is required to provide children's play equipment. The approved scheme secured a financial contribution of £17,525 towards off site play provision, which was undertaken through the signing of a s106 agreement between the applicant and the Council. The Director of Cultural and Community

Services confirmed at that time that the facilities would be sited in either Hylton Redhouse Primary School or Hylton Castle Play Area. The signing of the agreement under Section 106 of the 1990 Town and Country Planning Act effectively met the requirement of H21 of the UDP. As this application effectively alters the form of development, insofar as the layout has now changed and the elevations of plots 21 and 22 have changed, it is considered necessary for a deed of variation to be made to ensure that these revisions are reflected in the S106 legal agreement.

This deed will be required to be completed by the last date of determination for the planning application, which is 22 June 2010. The applicant has been made aware of this requirement and is currently in negotiations with the Council's Legal Services Section. With the completion of this deed, the proposal will be considered to accord with Policy H21 of the UDP.

CONCLUSION

Taking the above into consideration, the minor revisions to those proposals approved for the site under planning application 09/03711/FUL are considered to be acceptable and in part are seen as actually being an improvement, helping to contribute positively to the regeneration of the Hylton Castle area.

Members are thus requested to allow the following changes to be made to consent 09/03711/FUL:-

- Revision of condition no 2 attached to consent 09/03711/FUL to include the plan no's for the revised site layout and amended elevations of plot no 21 and 22.
- Removal of condition no 7 (Substation noise assessment) attached to consent 09/03711/FUL.
- Removal of condition no 18 (Substation method statement) attached to consent 09/03711/FUL.

As such, provided that a deed of variation is completed in relation to the section 106 agreement for off site children's play facilities prior to the last date for determination (22 June 2010), the scheme will be considered acceptable. Consequently, a dual recommendation is made.

RECOMMENDATION: Delegate to the Deputy Chief Executive to:-

- 1) **Vary / Remove** the conditions set out below subject to completion of a deed of variation to the existing Section 106 agreement by 22 June 2010 or such other date as is agreed by the Deputy Chief Executive.
- 2) **Refuse** to vary / remove the conditions set out below should a deed of variation to the existing Section 106 legal agreement have not be completed by 22 June 2010 or such other date as is agreed by the Deputy Chief Executive.

The legal agreement to secure the following:-

Off site play provision at, Hylton Redhouse Primary School or Hylton Castle Play Area, Castletown, Sunderland.

Members should note that such revisions will result in the revised list of conditions as set out below:-

Conditions:

1. The development to which this permission relates must be begun not later than three years beginning with the date on which permission is granted, to ensure that the development is carried out within a reasonable period of time.
2. Unless otherwise first agreed in writing with the Local Planning Authority, the development hereby granted permission shall be carried out in full accordance with the approved plans, as set out below:-
-Plan No's here-
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 the approved details, prior to the commencement of works, the following details shall be submitted to and agreed in writing by the Local Planning Authority: Samples of all external materials and finishes, comprising roof cladding, wall facing materials, window glass, door and window frames (including a colour schedule), decorative features and rainwater goods etc. Sample panels of brickwork, demonstrating the colour, texture, face bond and pointing. Thereafter, the development shall not be carried out other than in accordance with the approved details; in the interests of visual amenity and in order to comply with policies B2 of the Unitary Development Plan.
4. No groundworks or development shall take place until the developer has appointed an archaeologist to undertake a programme of observations of groundworks to record items of interest and finds in accordance with a specification provided by the Local Planning Authority. The appointed archaeologist shall be present at relevant times during the undertaking of groundworks with a programme of visits to be agreed in writing by the Local Planning Authority, prior to groundworks commencing, in order to ensure that any archaeological remains can be preserved wherever possible and recorded and, if necessary, emergency salvage undertaken, in accordance with Policies B12 and B13 of the Unitary Development Plan.
5. The dwellings hereby approved shall not be occupied until the report of the results of observations of the groundworks pursuant to condition no 4 has been submitted to and approved in writing by the Local Planning Authority, in order to ensure that any archaeological remains can be preserved wherever possible and recorded, in accordance with Policies B12 and B13 of the Unitary Development Plan.

6. Should any contamination not previously considered be identified during construction works a method statement regarding this material shall be submitted to the local planning authority for approval, in the interests of residential amenity and to comply with policy EN14 of the Unitary Development Plan.
7. Notwithstanding the approved details, prior to development commencing on the site, precise details (and samples where necessary) of all hard landscaping materials to be used throughout the development, (including details and location/layout of all proposed hard surfacing, means of enclosure, lighting columns, bollards and any other street furniture) shall be submitted to and approved in writing by the Local Planning Authority, and used as agreed in such details In the interest of highway safety and to achieve a satisfactory form of development on site and to comply with the requirements of Policies T14 and 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 detailed scheme of soft landscaping which shall include detailed method statement for all tree planting 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 CN17 of the Unitary Development Plan.
9. No development shall take place until there have been submitted full details of the timescale that the agreed trees are to be removed from the site. No tree felling works shall be carried out on the site between the 1st March and 31st August inclusive in any year unless otherwise approved in writing by the Local Planning Authority in the interests of nature conservation and to accord with policy CN18 of the Unitary Development Plan.
10. Before the trees which are the subject of this application are felled, details of the location, size, ground repartition, ground protection 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 Unitary Development Plan.
11. No operations shall commence on site in connection with development hereby approved (including soil moving, temporary access construction or any other operations that involve the use of motorised vehicles or construction machinery) until all areas for new tree planting have been plotted onto a site layout plan indicating such tree constraints. These areas shall then be protected from damage (especially soil compaction) by the erection of barriers and / or ground protection. The size and specification of these barriers is to be agreed in writing with the Local Planning Authority prior to its implementation, in the interests of visual amenity and in order to comply with policy B2 of the Unitary Development Plan.

12. The erection of fencing for the protection of any retained trees pursuant to condition no 11 of this approval shall be undertaken in accordance with guidance set out in BS 5837 (2005). Prior any equipment, machinery or materials being 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 Unitary Development Plan.
13. No trees other than those identified in the approved Arboricultural Method Statement (Project No P94_06/02, dated October 2007 - prepared by Scurator Limited) shall be felled without the prior consent of the Local Planning Authority and a site visit has taken place to confirm that the agreed trees are to be removed, in the interests of visual amenity and to comply with policy CN17 of the Unitary Development Plan.
14. No tree identified as being retained on the approved Arboricultural Method Statement (Project No P94_06/02, dated October 2007) Prepared by Scurator Limited, 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 Unitary Development Plan.
15. 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 Unitary Development Plan.
16. 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.

17. Before the development commences details a scheme of working shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include; siting and organisation of the construction compound and site cabins; routes to and from the site for construction traffic; the method of containing the construction dirt and debris within the site, (ensuring that no dirt and debris spreads on to the surrounding road network-details to include the installation and maintenance of a wheelwash facility on site); and measures to ameliorate noise, dust, vibration and other effects. 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.
18. Unless otherwise agreed in writing with the Local Planning Authority, 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.
19. Notwithstanding the submitted plans, none of the dwellings shall be occupied until the estate road and parking court have been completed in accordance with the submitted plans. The parking spaces constructed as a result of these works shall then be available for such use at all times and shall be used for no other purpose, in order to achieve a satisfactory form of development, in the interests of highway safety and to comply with policies B2 and T14 of the Unitary Development Plan.
20. Notwithstanding the approved plans and the provisions of the current Town and Country Planning General Permitted Development Order, no additional gates, fences, walls or other means of enclosure shall be erected without the prior written consent of the Local Planning Authority, in order that the Local Planning Authority may retain control over the development and to comply with policy B2 of the .Unitary Development Plan.
21. Notwithstanding the provisions of the current Town and Country Planning General Permitted Development Order, no extensions or other development including the insertion of window openings, or the erection of gates, fences, walls (or other means of enclosure) shall be undertaken to the dwelling hereby permitted without the prior written consent of the Local Planning Authority, in order that the Local Planning Authority may retain control over the development and to comply with policy B2 of the .Unitary Development Plan.
22. Notwithstanding the submitted drawings, the fixed, obscurely glazed windows fitted to the side elevations of plot no's, 3, 4, 5, 6, 7, 9, 12, 14 and to the rear of plot 24 shall be maintained as such throughout the lifespan of the development, in order to achieve a satisfactory form of development and to comply with policy B2 of the UDP.

23. Prior to the completion of the first dwelling, details of energy efficiency and/or renewable energy measures to be used shall be submitted to and agreed in writing with the Local Planning Authority. For the avoidance of doubt, such details shall include a justification for the type of measures chosen, including estimations of energy saved / created by such measures. Following the approval of such details, the agreed measures shall be implemented prior to the occupation of each building and maintained as such thereafter, unless otherwise agreed in writing with the Local Planning Authority, in the interests of sustainable development and in order to comply with policies R1 and R4 of the Unitary Development Plan.