

## Development Control (South Sunderland) Sub-Committee

29 March 2011

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### REPORT ON APPLICATIONS

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#### REPORT BY DEPUTY CHIEF EXECUTIVE

##### PURPOSE OF REPORT

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

##### LIST OF APPLICATIONS

Applications for the following sites are included in this report.

##### South

1. Pallion Engineering Ltd, Pallion New Road, Sunderland
2. Part of Former Quarry View Primary School, Saint Lukes Rd, Sunderland
3. Land East of Prospect Row, Hendon, Sunderland
4. Land to the Rear of Bevan Avenue, Sunderland

##### COMMITTEE ROLE

The Sub Committee has full delegated powers to determine applications on this list. Members of the Council who have queries or observations on any application should, in advance of the above date, contact the Sub Committee Chairman or the Technical Manager on 0191 561 1182 email address [dc@sunderland.gov.uk](mailto:dc@sunderland.gov.uk)

## **DEVELOPMENT PLAN**

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

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

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

## **STANDARD CONDITIONS**

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

## **SITE PLANS**

The site plans included in each report are illustrative only.

## **PUBLICITY/CONSULTATIONS**

The reports identify if site notices, press notices and/or neighbour notification have been undertaken. In all cases the consultations and publicity have been carried out in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 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/](http://www.sunderland.gov.uk/online-applications/)

Janet Johnson  
Deputy Chief Executive

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**Reference No.:** 10/04026/EXT1 Extension of Time

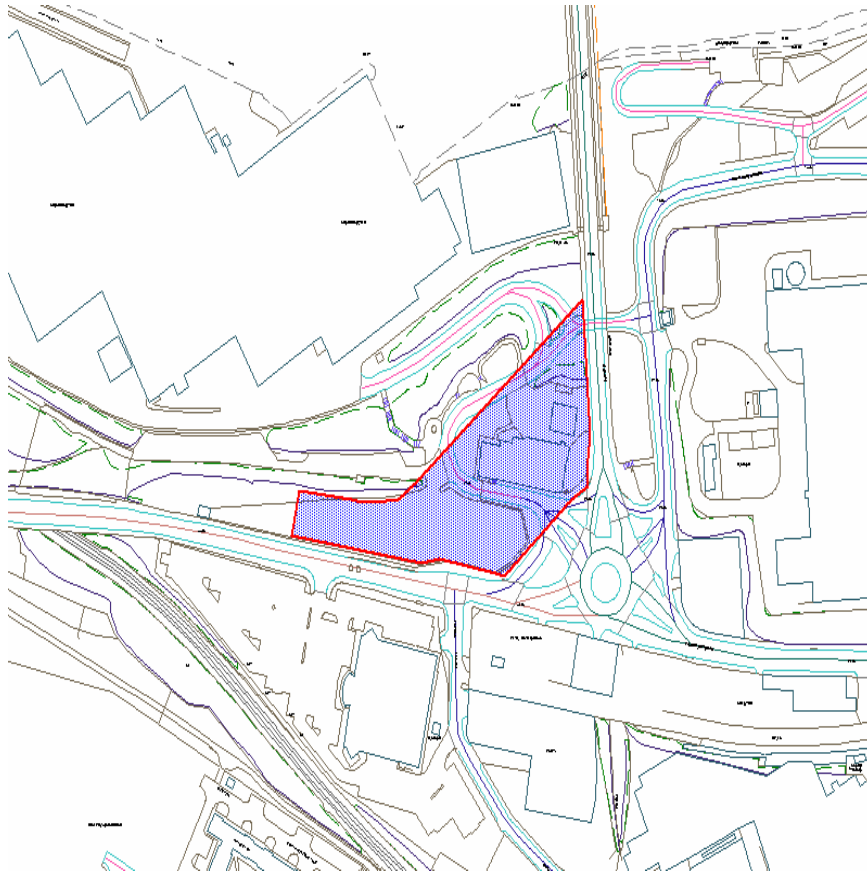
**Proposal:** **Application for a new planning permission to replace an extant planning permission 08/00259/OUT. (Proposed development of commercial offices with ancillary cafe/ bar/ restaurant and residential use with associated access, car parking and landscaping) in order to extend the time limit for implementation.**

**Location:** Pallion Engineering Ltd Pallion New Road Sunderland SR4 6WE

**Ward:** Pallion  
**Applicant:** Pallion Engineering Ltd  
**Date Valid:** 12 January 2011  
**Target Date:** 13 April 2011

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### Location Plan



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### PROPOSAL:

The application being considered is to extend the life of consent 08/00259/OUT for an outline application for an 8 storey mixed use development on the south eastern corner of the Pallion Shipyard site. The application is solely in respect of extending the life of the consent and the decision is based solely upon whether policy relating to the proposed development has changed since the original grant of permission such as to merit a refusal.

The principles of the development that have already been agreed remain unchanged. Briefly, these involve:-

- The creation of a new access to the site taken through a currently-closed archway under the Queen Alexandra Bridge.
- The creation of new concrete deck to facilitate underground parking.
- Ground level parking area.
- An 8 storey building with.
  - Ground floor - A3 / A5 Café / Bar / Restaurant uses.
  - Upper stories - 10800 Sq M B1 Office use.
  - Top floor - upto 10 no. Residential apartments, (which would be linked to the offices below).

An illustrative Masterplan has been prepared for the wider Pallion Yard area which includes this site, which is effectively cut off from the main part of the Pallion Shipyard by the route of the proposed Sunderland Strategic Transport Corridor (SSTC). As such it has been agreed that the application site can be developed in isolation from that site provided appropriate allowance is made for the construction of the new SSTC road.

The 1.05 Hectare site is situated in a prominent location adjacent to the southern approach to the Queen Alexandra Bridge. At present the site forms the main gated access into the shipyard site and houses a row of single storey, metal clad ancillary buildings and a car parking area. A roadway winds its way around from the entrance down the steeply sloping site towards the riverfront and the main shipbuilding yard and buildings.

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

Press Notice Advertised  
Site Notice Posted  
Neighbour Notifications

#### **CONSULTEES:**

Executive Director of City Services (Transportation)  
County Archaeologist  
Street Scene (Environmental Service)  
Northumbrian Water  
Northumbria Police (Sunderland Area Command)  
One North East (O.N.E)

Final Date for Receipt of Representations: **16.02.2011**

## **REPRESENTATIONS:**

Neighbours.

No letters of objection were received in relation to the neighbour consultation exercise.

Consultees.

Executive Director of City Services (Transportation).

Advises that issues still remain with regards the potential impact that the development will have upon the highway network. This is considered in more detail in the Highways Issues section below.

Northumbrian Water.

Advise that existing 160mm and 375mm public sewers cross the proposed development site and are shown built over on the application. Northumbrian Water Ltd will not permit a building over or close to its apparatus (in accordance with applicable 3m sewer easements). Diversion or relocation of the apparatus may be possible at the applicant's full cost. It should also be noted that 600mm rising main and 1350mm diameter interceptor sewers abut the site which could be damaged by uncontrolled excavation.

County Archaeologist.

Has recommended that an archaeological desk based assessment should be submitted because this is the site of Deptford Chemical Works and brick and tile works.

One North East.

Raises no objection to the type of development proposed and welcomes the regeneration of this key 'gateway' site for the City Centre. O.N.E. notes that at this stage the indication is that the building will be of a high design quality as indicated in the application's supporting information.

Recognising the Government's guidance on 'Greater Flexibility for Planning Permissions', given the time which has lapsed since the original application O.N.E advise that the LPA should give due consideration to whether additional information is needed or whether there are any necessary changes to the imposed conditions. Since the application was determined, a range of policy and guidance has emerged, particularly in respect of matters of sustainable design, construction, ICT connectivity and renewable energy technologies. O.N.E actively encourages the maximisation of such standards, in order to maintaining the regions reputation as a leading player in the development of a low carbon economy. The imposition of such matters is considered in detail in the comments section below.

In the event that the LPA is satisfied with such matters and is minded to approve the application, O.N.E raises no objection to the proposed development. As the application is in outline only, O.N.E requests that, in the event of planning permission being granted, any subsequent application for reserved matters approval should also be forwarded to O.N.E for comment.

## **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)  
CN\_18\_Promotion of nature conservation (general)  
EC\_5\_Sites for mixed uses  
EC\_10\_Maximising the potential of the Enterprise Zones  
H\_5\_Distribution of sites for new housing (over 10 units)  
R\_1\_Working towards environmentally sustainable development  
R\_4\_Incorporation of energy saving measures  
SA\_6\_New mixed use site  
T\_2\_Promote the role of public transport, improving quality, attractiveness and range  
T\_14\_Accessibility of new developments, need to avoid congestion and safety problems arising  
T\_22\_Parking standards in new developments  
T\_24\_Seek to minimise the effect of freight transport

## **COMMENTS:**

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

- The Principle of the Use on the Site.
- Design and Layout.
- Highways Issues.
- The impact upon wildlife / trees on site.
- The Potential Archaeological Implications to the Site.

The Principle of the Use on the Site.

As explained above, the principle of the development has already been established via the approval of 08/00259/OUT in 2008. Whilst the proposed development is not in keeping with the established uses in the surrounding area it was considered at the time that the development could come forward without jeopardising the strategic transport corridor or the future redevelopment of the wider area. The site falls within the Central Sunderland Boundary and as such the Policies within UDP Alteration no 2 are applicable, as set out below.

- S2A - Town Centre Uses.  
In general terms, there is a need for new modern office accommodation in the City, which the proposal would help achieve. The proposal is not considered to create any unacceptable impacts on the vitality and viability of the retail core or other centres.
- EC5B - Strategic Locations for Change.  
This Policy sets out what land uses are acceptable, such as B1 Business / (subject to the provisions of S2A).

- EC10A - Regeneration of Central Sunderland.  
Part (i) of this Policy relates to the maximisation of investment in employment, housing, leisure, tourism and education.
- H5A - Housing Allocations in Central Sunderland.  
Ten apartments are proposed on the top floor of the building; these are intended to be ancillary accommodation. This scale of residential development will not impact upon the strategy of the ISHL.  
Notwithstanding this, the matter of amenity of these residents needs to be addressed as the outlook is onto large shipbuilding sheds. Such detail was agreed to be considered at a Reserved Matters stage.

No circumstances have changed regarding the land use allocation of the area since the original approval on 25.04.2008. As such, the principle of the development is still considered as being acceptable and in accordance with the above policies.

#### Design and Layout.

Generally, the quality of the site and its surrounding environs can only be described as being poor at present, primarily due to its industrial character. However, the area is in currently in a state of transition with a number of neighbouring industrial sites closing, which are being cleared prior to any regeneration taking place. As such, it is important that any development of this or any other application for this location must ensure a high quality of development is achieved and sets the benchmark in terms of quality for future redevelopment of the area.

In terms of the proposed appearance, the general shape, form and design of the building have previously been considered as having the potential to provide an attractive gateway to the city centre. Furthermore, the design has been considered as being acceptable and in accordance with policy as set out below:-

- B2A - Proposals should achieve high standards of design and reinforce or enhance the established character of the area

This is a modern bespoke design. It is understood that the development meets the requirements of the Design Team.

- B2A - Proposals should be encouraged to achieve BREEAM and Eco-homes standards.

The applicant stated that the building will exceed present standards for energy use and carbon emissions; a minimum target rating of “very good” has been stated as being achieved (BREEAM: offices). The proposed apartments will need to conform to the code for sustainable homes.

- B2B - (Tall buildings over 20 metres high, significantly exceed the height of surrounding buildings or are located on high ground) will only be permitted where they meet certain criteria

Whilst this is a ten-storey building, this is an appropriate scale for this location and the scheme will meet the criteria outlined in the policy.

Clearly, given that the application is only at an outline stage, there is only a limited amount of information regarding the detailed finish and construction materials proposed. Notwithstanding this, it is considered that on the basis of the submitted details a satisfactory form of development will be delivered, which will be in accordance with the policies outlined above.

Notwithstanding the above, it should also be noted that O.N.E have requested that the LPA encourage the developer, through the imposition of appropriate conditions, to pursue the highest standards of quality in the development of this site, including the achievement of the appropriate BREEAM and Code for Sustainable Homes, Building for Life and Secured by Design standards etc.

With this in mind, it is proposed that an additional conditional condition is imposed to ensure that such standards are achieved, which would also help achieve the aims of UDP Policies R1 and R4 which seek to deliver more sustainable forms of development.

#### Highways Issues.

Policies T14 and T22 of the UDP require new developments to be readily accessible and to not cause traffic congestion or highway safety problems, whilst providing an adequate amount of parking provision for the proposal.

A number of issues were raised previously in relation to highways which still require to be resolved; notably the suitability of the traffic data and junction assessments contained within the originally submitted Transport Assessment. Until revised information has been received, it is still considered that the impact of the development proposal on the highway network cannot be fully determined. Advice on how to progress this issue was provided to the agent in January 2010.

Notwithstanding this, at the time of considering the original application, Members agreed that sufficient conditions could be imposed to ensure that such details are satisfactorily resolved prior to the commencement of development. With this in mind, it is still considered acceptable that such conditions will satisfactorily resolve this matter, ensuring the proposal accords with Policies T14 and T22 of the UDP.

In addition to the above, it should be noted that since the determination of the original application, there has been major activity in the North East to ensure the region is the first to have a comprehensive electric vehicle charging infrastructure in place. Given the scale of the development, it would be beneficial if this development was to incorporate charging point facilities, which would help serve to underline the applicants' intention to make this a sustainable development. As such, it is proposed that the applicant is encouraged to include such measures, by means of an informative note, to be attached to any consent issued, should Members be minded to grant the time extension.



The impact upon wildlife / trees on site.

UDP Policy CN18 seeks to ensure that landowners adopt sympathetic landscape management regimes to help enhance nature conservation whenever possible. The original submission included a protected species survey of the site, which recommended tree thinning on parts of the site and that further species surveys should be undertaken prior to the commencement of development. Conditions were imposed to ensure that such details are submitted to and agreed in writing by the LPA prior to the commencement of any development. Such an approach is still considered as being acceptable and helps achieve the aims of Policy CN18.

The Potential Archaeological Implications to the Site.

Policy B11 of the UDP seeks to protect the archaeological heritage of the city by ensuring that any remains discovered are either physically preserved or recorded.

As mentioned previously, the County Archaeologist has advised that an archaeological desk based assessment will be required, which may recommend the need for further archaeological work in the form of trial trenches or a watching brief. As per the original submission, conditions can be attached to any consent issued to ensure that such works are undertaken, in order to accord with Policy B11.

## **CONCLUSION**

On the basis that the site already has outline planning permission for an 8 storey mixed use development, the design and layout principles that have already been accepted are still considered as being appropriate.

With this in mind, it is still considered that the final scheme that ultimately comes forward (via the submission of a further reserved matters application) will result in a landmark building being developed on an important gateway site, helping to contribute towards the regeneration of the city centre. As such, it is recommended that Members approve the application accordingly, and issue a new consent to extend the timescale for development. The only changes that are recommended to be made are for:-

- i) the inclusion of an additional condition, requiring the achievement of the appropriate BREEAM standard, as requested by O.N.E.
- ii) the revision of condition no 2, which specifies the lifespan of the consent. In light of the delay that has already been experienced in bringing the development forward to fruition, it is proposed that the new consent is for a five year time period, as opposed to the three originally given. It is hoped that this modest extension in the lifespan of the new consent will help to enable the development.

To conclude, for the reasons given above, Members are recommended to approve the application, subject to the Conditions as set out below.

**RECOMMENDATION: Approve.**

## Conditions:

1. Details of the following matters shall be submitted for the subsequent approval of the Local Planning Authority (LPA): the appearance; access and landscaping of the development.
2. Application for the approval of the reserved matters for the development shall be submitted to the LPA within five years of the date of this permission. The development hereby permitted shall be begun either within five years of the date of this permission or within two years of the date of approval of the last of the reserved matters to be approved, whichever is the later.
3. The development to which this permission relates and all associated reserved matters applications shall be carried out in complete accordance with the plans and details previously approved under application reference number 08/00259/OUT. For the avoidance of doubt, these details include the design principles outlined in the "Pallion Shipyard Design & Access Statement" document, date stamped 22 Jan 2008, in the interests of visual amenity and to achieve an acceptable form of development and to comply with policies B2, T14 and EC3 of the adopted Unitary Development Plan.
4. No development work shall take place until a programme of archaeological work has been completed. For the avoidance of doubt, this should include:-
  - (i) Desk Based Assessment
  - (ii) Archaeological Evaluation
  - (iii) Details of mitigation measures

The archaeological work shall be carried out in accordance with a specification(s) provided by the County Archaeologist. The archaeological report(s) shall be submitted to and approved by the LPA before works commence, in order that archaeological remains on the site can be preserved wherever possible and recorded, in order to comply with Policy B14 of the Unitary Development Plan.

5. Prior to the occupation of the buildings hereby approved, a final report providing results of the archaeological fieldwork undertaken in pursuance of condition no 4 shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, the report shall be prepared in a form suitable for publication in an archaeological journal, which has been agreed in advance with the Local Planning Authority, in order that archaeological remains on the site can be preserved wherever possible and recorded, in order to comply with Policy B14 of the Unitary Development Plan.

6. Prior to the occupation of the buildings hereby approved, the report required under condition no 5, shall be submitted to the agreed Archaeological Journal for consideration, due to the site being located in an area of archaeological importance and the publication of such results will enhance the understanding of such and enable public access to such details, in order to comply with Policy B14 of the Unitary Development Plan.
7. For the avoidance of doubt the gross floor space for the development hereby approved shall not exceed 14,000 sq m, comprising of either:-
  - 10,800 sq m of office space (use class B1), 1,800 of ancillary retail (classes A1 - A5), and 1,400 of residential (all including any mezzanine floors),
  - or
  - 12,600 sq m of office space (use class B1), 1,800 of ancillary retail (classes A1 - A5), (all including any mezzanine floors),

in order to achieve a satisfactory form of development and ensure the highway network is not unduly strained by the traffic generated by the site and to comply with policies B2 and T14 of the Unitary Development Plan.

8. Notwithstanding the submitted information, precise details of all mitigation and compensation measures as recommended in the "Phase 1 Protected Species Survey" document produced by E3 Ecology Limited dated 22.01.2008 should be submitted to and approved in writing by the LPA. For the avoidance of doubt, such details should include detailed species specific surveys of all buildings to be affected by the proposed development. Following the written approval of such details, all proposed works shall be implemented to a timetable to be agreed in writing with the LPA. These measures shall be implemented in full accordance with the agreed timetable in the interests of nature conservation and to comply with policies CN18 and CN22 of the Unitary Development Plan.
9. Notwithstanding the submitted plans proposed ground level sections across the site and details of the finished slab levels of the car parking areas and the building shall be submitted and approved in writing with the LPA. All works shall be carried out in accordance with the approved levels details in order to achieve a satisfactory form of development and to comply with policy B2 of the Unitary Development Plan
10. No development shall be commenced until the application site has been subjected to a detailed desk study and site investigation and remediation objectives have been determined through risk assessment, and approved in writing by the LPA and detailed proposals for the removal, containment or otherwise rendering harmless any contamination (the "Remediation Statement") have been submitted to and approved in writing by the LPA, in the interests of amenities of the surrounding area and to comply with policy EN14 of the Unitary Development Plan.

11. No development approved by this permission shall be commenced until the works specified in the Remediation Statement have been completed in accordance with the approved scheme and a report validating the remediated site has been approved in writing by the LPA, in the interests of the amenities of the surrounding area and to comply with policy EN14 of the Unitary Development Plan.
12. Should any contamination not previously considered be identified during construction works an additional method statement regarding this material shall be submitted to the LPA for approval, in the interests of the amenities of the surrounding area and to comply with policy EN14 of the Unitary Development Plan.
13. Prior to the commencement of the development, the following details shall be submitted to and agreed in writing by the LPA before their use on site: samples and specifications of all external materials and finishes, comprising roof cladding, wall facing details, window glass, door and window frames, decorative features and hard surfaces to be used. All works shall be carried out in accordance with the approved details in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.
14. Details of all walls, fences or other means of boundary enclosure shall be submitted to and approved by the LPA before that phase of the development or building is occupied. The agreed boundary treatment shall be completed before occupation of each building or in accordance with an agreed timetable, in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan
15. Prior to the occupation of the development, details of a scheme of public art to be incorporated within the development shall be submitted to and approved in writing by the LPA. For the avoidance of doubt, such details shall include the siting and manufacturers specifications, with any wording to be agreed. The development shall not be occupied until the works have been completed in accordance with the LPA's approval and have been certified in writing as complete by or on behalf of the LPA, in the interests of promoting public art within the city and as part of the enhancement of the built environment in order to comply with Policy B20 of the Unitary Development Plan.
16. Notwithstanding the submitted details, no removal of hedgerows or felling of trees 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 LPA in the interests of nature conservation and to accord with policy CN18 of the Unitary Development Plan.

17. Prior to the commencement of each phase of the development, a scheme of working shall be submitted to and approved by the LPA; such a scheme shall include; the siting and organisation of the construction compound and site cabins, access arrangements to existing public rights of way on the site, access to the site for construction traffic, routes to and from the site for construction traffic, and measures to ameliorate noise, dust, vibration and other effects including measures to stop mud spreading onto the highway. All works shall be carried out in accordance with the approved details in the interests of the proper planning of the development and to protect the amenity and access rights of adjacent occupiers and in order to comply with policy B2 of the Unitary Development Plan.
18. 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 15:00 on Saturdays and at no time on Sundays or Bank Holidays unless otherwise varied and agreed in writing by the LPA, in order to protect the amenities of the area and to comply with policy B2 of the Unitary Development Plan.
19. No development approved by this permission shall be commenced until a detailed flood risk assessment has been submitted to and approved in writing by the LPA. The flood risk assessment should demonstrate that the development would not increase flood risk elsewhere through surface water run-off, in order to prevent any increased risk of flooding in the area and to comply with policy EN11 and EN12 of the Unitary Development Plan.
20. Prior to the commencement of the development, a scheme detailing the proposed on site drainage should be submitted to and approved in writing by the LPA. For the avoidance of doubt, such a scheme should:-
- include a detailed scheme for the diversion of existing Northumbrian Water sewer apparatus to avoid building over
  - discharge into public surface water sewers or soakaway systems.

The details and programme of implementation of the drainage scheme shall thereafter be implemented in accordance with the approved programme and details, in order to prevent any increased risk of flooding in the area and to comply with policy EN11 and EN12 of the Unitary Development Plan.

21. Prior to being discharged into any watercourse, surface water sewer or soakaway systems, all surface water drainage from parking areas and hardstandings shall be passed through trapped gullies installed in accordance with a scheme to be submitted to and approved in writing by the LPA, before that part of the drainage is commenced. The scheme shall include a statement on the maintenance regime of the gullies and the system shall be maintained thereafter in accordance with the scheme of works unless varied and agreed in writing by the LPA, in order to prevent pollution of the water environment and to comply with policy EN12 of the Unitary Development Plan.

22. Prior to the commencement of the development, a full TA that shows the impact of the development on the roundabout at the southern end of the Queen Alexandra Bridge roundabout including the road network around the access points to the whole of the Pallion Shipyard site and any mitigation measures to maintain operational capacity, shall be submitted to and agreed in writing with the LPA, in the interests of safe and free flow of traffic and to accord with policy T14 of the Unitary Development Plan.
23. Prior to the occupation of the development, a Site-wide Green Travel Plan based on the approved Framework Travel Plan and incorporating the whole of Pallion Shipyard shall be submitted to and agreed in writing by the LPA. Once agreed, the Management Company shall then implement the Site-wide Green Travel Plan and thereafter its effectiveness shall be monitored and reviewed for a period of not less than 5 years after completion of the development. The implementation, monitoring and review of the Site-wide Travel Plan is to ensure that the site is accessible by alternative modes of travel in accordance with Policies T1 and T2 of the Unitary Development Plan.
24. Prior to the commencement of works, a plan shall be submitted to and approved by the LPA detailing space and facilities for bicycle parking and changing facilities in the buildings. These facilities shall then be provided prior to the occupation of the building, retained and permanently reserved for bicycle parking to ensure that adequate and satisfactory provision is made for bicycle parking and to comply with policy T14 of the Unitary Development Plan.
25. The building shall not be occupied until the off street parking provision including disabled parking provision has been constructed, surfaced, sealed and made available in accordance with the plans to be approved. This parking area shall then be retained and permanently reserved for the parking of vehicles to ensure that adequate and satisfactory provision is made for the off street parking of vehicles and to comply with policy T14 of the Unitary Development Plan
26. Prior to the occupation of the development, a study shall be carried out of on street parking levels in the area that lies within 500m of the development site. The details of the study including days and times of the survey shall be agreed in writing with the LPA in advance and the results shall be submitted to the LPA within 1 month of the survey being completed. The survey shall be repeated in accordance with the agreed format no later than 12 months after the initial survey and the results of these studies shall be submitted to the LPA within one month of their completion. If the LPA serves notice that it considers that the studies indicate that there is a significant on street parking problem associated with the development in any of the surveyed streets then a reasonable scheme designed to alleviate the problem caused directly by the development shall be submitted to the LPA for approval within 2 months. The scheme shall be agreed with the LPA and implemented in accordance with an agreed timescale in the interests of highway safety and the amenities of the surrounding area and to accord with policy T14 of the Unitary Development Plan.

27. Prior to the occupation of the development, a method statement shall be submitted to and approved by the LPA detailing measures to control and prevent on street parking within 500m of the development. The statement shall include timescales and monitoring and review mechanisms. Such monitoring and review requirements will cease one year post completion of the development and all works shall be carried out in accordance with the agreed method statement unless otherwise agreed in writing with the LPA in the interests of safe and free flow of traffic and to accord with policy T14 of the Unitary Development Plan.
28. Prior to the commencement of works on each area of public highway and footway, full details shall be submitted to and agreed in writing by the LPA of all surfacing, crossing points, lighting and street furniture in the interests of highway safety and visual amenity and to accord with T14 of the Unitary Development Plan.
29. Prior to the completion of each phase of development a scheme of landscaping and treatment of hard surfaces shall be submitted to and approved in writing by the LPA in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.
30. If within a period of 5 years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted, destroyed or dies, or becomes, in the reasonable opinion of the LPA, seriously damaged or defective, another tree of the same species and similar size as that originally planted shall be planted in a similar location, unless the LPA gives its written consent to any variation, in the interests of visual amenity and to comply with policy CN17 of the Unitary Development Plan.
31. Unless otherwise agreed in writing with the LPA, details of energy efficiency / renewable energy measures should be submitted to LPA for consideration before the building is completed. Such details shall include a justification for the type of measures chosen, including estimations of energy saved / created by such measures, in the interests of sustainable development and in order to comply with policy R1 of the Unitary Development Plan.
32. Prior to the occupation of the residential element of the development, a noise assessment shall be undertaken in line with Planning Policy Guidance (PPG) 24, Planning and Noise, in order to determine the Noise Exposure Category of the development. Following the assessment a report shall be submitted to and approved in writing by the LPA, detailing the results of the survey and any measures that are to be adopted to ensure that noise from the nearby sources do not cause nuisance or disturbance to the occupiers of the proposed development and in order to comply with Policy EN6 of the UDP.
33. Within 6 calendar months of the completion of the development, a Post Construction Review Report undertaken by a licensed assessor and a BRE Final Code Certificate shall be submitted to and approved in writing by the LPA. For the avoidance of doubt, the results of the report shall conclude that the development has been constructed to the BREAM 'Very Good' standard, or an equivalent to be agreed by the LPA, in the interests of sustainability and in order to comply with Policies R1 and R4 of the Unitary Development Plan.

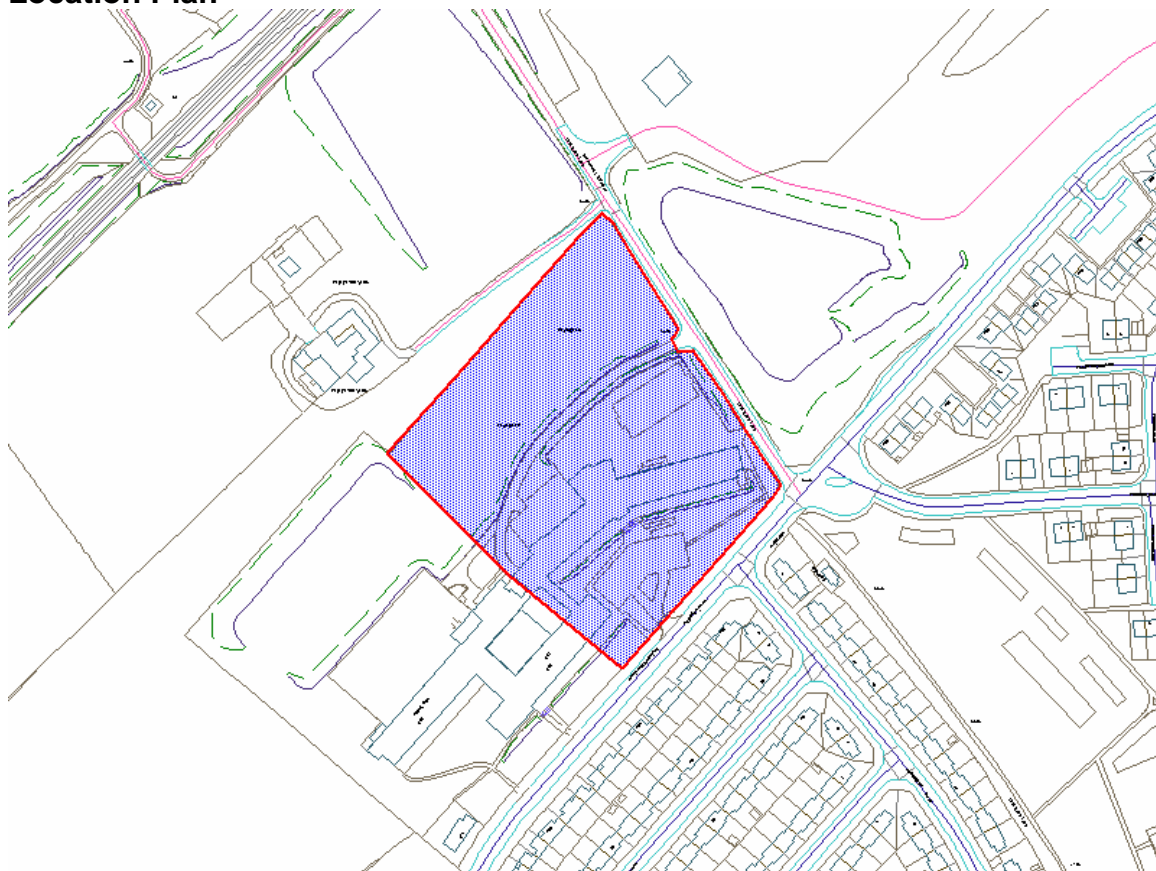
**Reference No.:** 11/00296/LAP Development by City(Regulation 3)

**Proposal:** **Erection of new primary school with associated landscaping, parking and access.**

**Location:** Part Of Former Quarry View Primary School Saint Lukes Road Sunderland SR4 0HB

**Ward:** St Annes  
**Applicant:** Childrens Services  
**Date Valid:** 1 February 2011  
**Target Date:** 3 May 2011

### Location Plan



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### PROPOSAL:

Planning permission is sought for the erection of a two storey new build school on part of the site of the former Quarry View Primary School, St Lukes Road, which was demolished in February 2011. The new Maplewood School building, which will replace the existing school located at Redcar Road, will have up to 7 new classrooms, a main hall with separate dining area, ICT suite, library, specialist technology and social skills areas, specialist hygiene and therapy spaces, parents room, new staff and storage facilities. The proposal will also include works to the external environment which will include an external games area, landscaping, wildlife habitat area and new vehicular access and car parking.



The submitted Design and Access Statement (DAS) explains that Maplewood School has been identified in Children's Services Primary Strategy for Change (PSfC), which was adopted at Cabinet on the 8 October 2008 and subsequently approved by the then Department for Children, Schools and Families in May 2009.

The development, which requires the demolition of the former Quarry View Primary School, will be built on part of the site of the former primary school with existing features such as the M.U.G.A, sports area and fencing and the tarmac car parking area being retained/relocated as part of the overall redevelopment proposals for the site.

As explained in the DAS the existing Maplewood School is located on a constrained site with poor access arrangements and limited parking and outdoor provision for either the pupils or wider community. Due to the site constraints there is little or no opportunity for expansion that would satisfy the guidelines for the provision of a new 21st Century school and hence a new site and development is being sought.

The application site is an irregular shaped piece of land approximately 1.9ha in area, bounded to the north-west by farmland, to the east by Keelman's Lane with open space beyond, St Lukes Road bordering the site to the south with residential dwellings and the boundary with the former Quarry View Primary School forming the western boundary. Significant level differences exist across the site, with the site effectively being divided into two distinct plateaus, the upper level housing the school with the lower level being occupied by playing fields. The fall from St Lukes Road down to the northern boundary of the site is in the region of 11m.

The application submission is supported by detailed plans and drawings including an archaeological desk based assessment, geo-technical and geo-environmental desk based assessment, ground engineering interpretive report, bat reasoned risk assessment, ventilation and extraction statement, BREEAM assessment, sustainability report, tree survey, community use agreement and noise data.

**TYPE OF PUBLICITY:**

Press Notice Advertised  
Site Notice Posted  
Neighbour Notifications

## **CONSULTEES:**

City Services - Transportation  
Environment Agency  
Northumbrian Water  
Street Scene (Environmental Service)  
County Archaeologist  
Sport England  
Director of Childrens Services  
Fire Prevention Officer  
Northern Electric  
Force Planning and Police Architectural Liaison Officer  
NE Ambulance Service NHS Trust

Final Date for Receipt of Representations: **09.03.2011**

## **REPRESENTATIONS:**

Neighbours  
No representation received.

### Consultees

Sport England  
No objection subject to the imposition of a condition requiring the agreement of a Community Use Scheme.

County Archaeologist  
No objection subject to the imposition of a series of conditions relating to archaeological excavation and recording.

Environment Agency (EA)  
The initial consultee response objected to the proposed development on the grounds of no Flood Risk Assessment (FRA) having been submitted. This was in fact an oversight by the EA who have since been directed to the FRA which was submitted as part of the application. In this regard the EA have informally confirmed that they have no objection to the proposal subject to the imposition of a condition relating to drainage. Formal confirmation removing the objection and detailing the precise wording of the objection is awaited.

Police  
No objection to the proposal. It is however suggested that the applicant make contact with the Force Architectural Liaison Officer to discuss the security scheme 'Secured by Design'.

## **POLICIES:**

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

B\_2\_Scale, massing layout and setting of new developments  
H\_7\_Provision for executive housing  
H\_10\_Phasing of large housing developments  
SA\_9\_Allocation of site for new housing (over 10 units)  
CF\_5\_Provision for primary and secondary schools  
L\_7\_Protection of recreational and amenity land  
T\_14\_Accessibility of new developments, need to avoid congestion and safety problems arising  
T\_22\_Parking standards in new developments  
CN\_18\_Promotion of nature conservation (general)  
CN\_22\_Developments affecting protected wildlife species and habitats  
B\_13\_Sites and monuments of local importance affected by development  
B\_14\_Development in areas of potential archaeological importance

## **COMMENTS:**

The main issues to consider in the assessment of the proposal are as follows:

- Policy Considerations
- External Appearance, Siting and Design Considerations
- Highway Considerations
- Residential Amenity Considerations
- Ecology Considerations
- Archaeology Considerations
- Sustainability Considerations

Policy Considerations.

The site of the school building (former Quarry View Primary School) is identified on the Unitary Development Plan Proposals Map as a site for new housing and as such is governed by Unitary Development Plan (UDP) policies H7 and H10. The broad aims of the abovementioned policies is to ensure that there is a plentiful supply of housing land to meet the future needs of the city. The site is also governed by policy SA9.3. This policy allocates the whole of the former Quarry View school site as having the capacity to accommodate 230 dwellings.

In light of the above policies, the proposed school development, irrespective of its former use, is considered to be a major departure from the approved development plan currently in force. In this regard it is not considered that the proposal meets the criteria for referral to the Secretary of State as set out in the Town and Country Planning (Consultation) (England) Direction 2009. It should be noted that the application is not subject to the 'playing field development' provisions of this Direction owing to the fact that Sport England has not objected to the proposal.

Note: The provisions of Circular 07/99: The Town and Country Planning (Development Plans and Consultation) (Departures) Directions 1999 which included referral criteria in relation to (i) land belonging to the local planning authority or development of any land by such an authority and (ii) development which would prejudice the implementation of the development plan (departures) have been omitted from the current provision.

In addition to the above land use policies regard must also be given to UDP policy CF5 and L7.

Policy CF5 is concerned with the provision of primary and secondary education facilities and states that 'primary and secondary education needs will be accommodated primarily on existing sites or those identified on the plan, and on other sites provided that their impact on the amenity of the neighbourhood is acceptable and the traffic generated can be safely accommodated'. In this regard, whilst it is accepted that the application site is not allocated within the plan for educational use, the fact that the site has previously housed a primary school which was of a scale larger than that currently proposed, then it is considered that, in principle, the current proposal would be acceptable both in terms of its resulting impact on amenity and highway safety implications. (Both issues are discussed in further detail below).

Policy L7 of the UDP seeks the retention of playing fields for the benefit of the existing students and wider community. In this regard the redevelopment of the school site, which intends to retain the existing MUGA (albeit in a new location), will ensure the new school caters for the needs of its pupils, whilst the inclusion of the Community Use Scheme condition, requested by Sport England, will ensure the MUGA will be of benefit to the wider community.

In conclusion, whilst the current proposal does not strictly accord with the land use allocation for the site, as identified on the proposals map, Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that, in determining planning applications, any determination must be in accordance with the plan unless material considerations indicate otherwise. In this regard case law has established that for a proposal to be in accordance with the Development Plan it is not necessary for it to accord with each and every policy, rather it should conform with the plan on the whole. Taking this view into account, in conjunction with the previous land use of the site, it is considered that the proposed redevelopment of the site is acceptable in land use policy terms.

### Siting, Design and External Appearance Considerations

In assessing the design merits of the scheme UDP policy B2 requires the scale, massing and layout of new developments to respect and enhance the best qualities of the area.

The proposed layout for the new school will consist of a detached school building within the south eastern corner of the site (located on the upper plateau) with parking and parent drop off situated immediately to the south-east. The current access arrangements to the site are intended to remain albeit with minor modifications and/or improvements proposed to ensure the safe operation both within the site and on access / egress onto St Lukes Road and Keelmans Lane. The remainder of the site will be made up of the relocated M.U.G.A (to the west

of the proposed building), a sensory garden / outdoor learning area to the south-west, whilst the remainder of the site, to the north (lower plateau), will see the retention of the existing playing field.

The new school building will be two-storey in height, which complements the two-storey nature of the surrounding built environment. The main front elevation of the new building will face south-easterly onto the main car park / drop off area which will be enclosed around the south-eastern boundary by a gabion feature retaining wall owing to the level differences that exist between the application site and junction of Keelmans Lane and St Lukes Road, whilst the rear elevation, with the associated sports facilities, playing fields and outdoor recreation space to the north, south and west of the building.

The new school building's elevational treatment is comprised predominantly of red brick with blue brick banding at ground floor level with white render and grey cladding at first floor level. The main entrance to the school building is articulated by a white render canopy feature with first floor balcony, overlooking the car park, above. The roof detail above the single storey elements will consist of a gently sloping green moss roof edged with grey eaves, soffits and verges, whilst the two storey elements of the building will be of a flat roof design.

Having regard to all of the above, it is considered that in terms of proposed layout, elevational design and treatment the new school building responds appropriately to its context and surrounding built environment, whilst maximising playing field and outdoor education/recreation provision.

The provision of the parent drop off and staff parking area is considered essential for the safety and well being of pupils and pedestrians, whilst ensuring the impact from traffic to and from the school is suitably mitigated in terms of the impacts on the surrounding residential population.

Furthermore, a retaining wall with gabion baskets and additional landscaping will be erected around the south-east boundary to address the level differences with the adjacent highway and should Members be minded to approve the application, a condition requiring the agreement of landscaping in accordance with the principles set out in the 'Landscape Masterplan' and gabion retaining wall detail will be imposed to further enhance the main entrance to the school site and compensate for the drop off and parking areas.

In conclusion the site layout is considered to be appropriate, given the nature and physical constraints of the site. A prominent frontage has been created onto St Lukes Road and Keelmans Lane with car parking suitably accommodated and screened so as not to visually dominate the site. Therefore the proposal is considered to be in accordance with policy B2.

#### Highway Considerations

UDP policy T14 requires new development to provide adequate parking and be readily accessible by pedestrian and cyclists, whilst proposals should not cause traffic congestion or highway safety problems and make appropriate safe provision for access and egress. Whilst UDP policy T22 states that when deciding on the appropriate level of car and cycle parking to be provide in connection with a development proposal consideration should be given to the type of development being proposed and also the characteristics of the locality.

The new school development proposes to retain and upgrade the three existing access points, one from St Lukes Road and two from Keelmans lane. The new scheme will operate a one-way system which will pass to the front of the school building, serving the parent drop off and staff/visitor car park, with both vehicular and pedestrian access taken from St Lukes Road and egress via Kellmans Lane. The introduction of a one-way system through the site with dedicated parent drop off will ensure the free flow of traffic through the site and reduce the risk of parents parking on St Lukes Road and Keelmans Lane or surrounding residential streets. A further pedestrian footpath is proposed via the egress point on Keelmans Lane which will accommodate parents travelling from the east.

Following consultation with the Executive Director of City Services (Transportation) regarding the proposed development it is considered that the proposed highway layout and arrangements are broadly acceptable in principle. Initial issues that existed at the pre-application stage have been largely addressed in the formal submission with the remaining outstanding issues in relation to turning areas, dimensions of parking bays, improvement works to Keelmans Lane being addressed by way of condition should Members be minded to approve the application.

It is therefore considered that the proposed development is considered to be acceptable from a highway access, car parking and highway safety perspective and as such is considered to comply with the requirements of policy T14 and T22 of the adopted UDP.

#### Residential Amenity Considerations

Policy B2 of the UDP requires the scale, massing and layout of new development should retain acceptable levels of privacy and relate harmoniously to adjoining areas. This policy is supplemented by Section 10c of the adopted Residential Design Guide (RDG) Supplementary Planning Document which clarifies distances which are expected between new and existing development. Essentially the spacing standards required for two storey buildings are 21m between main facing windows and 14m between main facing windows and secondary elevations and for every 1m in difference of ground levels 2m should be added to the horizontal difference.

Therefore considering the above standards the location of the proposed new school building is considered to be in compliance with the RDG and as such the impact on the residential amenity of the adjacent residents acceptable. A minimum spacing of 49m is created between the southernmost corner of the school building and the front elevation of No.462 St Lukes Road. In addition, owing to the elevated position of the houses along St Lukes Road (approximately 2m) and orientation of the school building it is considered that the resulting impacts are suitably mitigated against.

Whilst it is noted that the new school building will provide a first floor balcony within the front elevation overlooking Keelmans Lane it is considered that the privacy amenity of the nearby residential properties will not be compromised owing to the distance created between this feature and the nearest residential property (85m at an oblique angle).

The modifications to the pedestrian and vehicular access / egress from St Lukes Road and Keelmans Lane will result in the intensification of Keelmans Lane and the junction with St Lukes Road, which is within close proximity to residential properties. Nevertheless, the highway arrangements for the former school, Quarry View, were similar to those currently being proposed with further modifications introduced to assist the free flow of traffic through the site. Furthermore, the new parent drop off facility has been designed to limit the impact from parents dropping off and picking up their children from the surrounding local highway network.

In conclusion, given that the site is a long standing and established education use (Quarry View) it is considered that the amenity of the residential area will not be detrimentally affected by the development, rather the proposal will bring about community benefits (use of M.U.G.A and facilities) and accordingly the proposal is considered to be in accordance with policy B2 of the UDP.

### Ecology Considerations

UDP policy CN18 promotes the interests of nature conservation, whilst policy CN22 states that development which would adversely affect any animal or plant species afforded special protection by law will not normally be permitted.

The submitted Bat reasoned risk assessment - Quarry View Primary School October 2009 concludes that prior to the demolition of the former school building no bat field signs or opportunities for roosting bats were discovered during the internal and external daylight survey undertaken in August 2009 or the supplementary survey carried out on the caretakers house in October 2009. The buildings were therefore assessed as being of low risk for roosting and hibernating bats and as such the demolition of the former Quarry View School and development of the new school are considered likely to have a neutral impact on the local bat population. In light of their being no impact on the local bat population, no mitigation works are proposed. Accordingly the proposal is considered to be acceptable in terms of the ecology considerations and in accordance with policies CN18 and CN22 of the UDP.

### Archaeology Considerations

UDP policy B13 seeks to safeguard sites of local archaeological significance. When development affecting such is acceptable in principle, the Council will seek to ensure mitigation of damage through preservation of the remains in situ as a preferred solution. Where the physical preservation of remains in the original situation is not feasible, excavation for the purpose of recording will be required. Policy B14 further expands on the above policy by requiring an archaeological assessment / evaluation to be submitted as part of the application when the site in question could be of potential archaeological importance.

The application is accompanied by an archaeological desk based assessment which has been considered by the County Archaeologist. The report concludes that both pre-historic and Roman remains have been found in close proximity to the site, which could be attributed to the medieval village of Ford which was located in this area. Whilst it is acknowledged that any pre-historic or Roman remains will most likely have been destroyed by the previous school development

it is nonetheless recommended that further trial trenching works be carried out. In this regard it is advised that, should Members be minded to approve the application, a series of conditions requiring the undertaking of further archaeological excavation, recording and reporting be imposed on any grant of consent.

Having regard to the submitted assessment it is considered that the proposal is acceptable in terms of archaeological implications, in accordance with policy B13 and B14 of the UDP.

#### Sustainability considerations

UDP Policy R1 considers sustainable development and the need to accommodate change and protect valued and important aspects of the natural and built environment. Specifically the policy requires an efficient use of land, energy and other resources, whilst avoiding any serious environmental damage.

The design for the new school building and grounds will be tested against the Building Research Establishment Assessment Method (BREEAM). BREEAM is a widely used environmental assessment method for buildings. It sets a standard for best practice in sustainable design and has become a recognised measure used to describe a buildings environmental performance. The intention is to develop the new school to a very good rating under the BREEAM scheme, and if Members are minded to approve, a suitable condition requiring the developer to submit a Post Construction Review Report carried out by a licensed assessor, together with a BREEAM Final Code Certificate, will ensure the development will be built to the stated BREEAM rating.

As such, it is considered that the proposal will comply with the aims of UDP policy R1.

#### **CONCLUSION**

The erection of a new school building is considered appropriate in this location, in accordance with relevant UDP policies and acceptable in respect to design, residential, highway, ecology, archaeology and sustainability issues. However, further discussions are currently taking place in respect to Environmental Health considerations and if these are resolved satisfactorily it is anticipated that a recommendation of approval subject to relevant conditions will be made on the supplement report or report to be circulated at the meeting.

#### **RECOMMENDATION: Deputy Chief Executive to Report**



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**Reference No.:** 10/02555/OUT Outline Application

**Proposal:** **Outline application for B1, B2 and B8 uses with all matters but access reserved.**

**Location:** Land East Of Prospect Row Hendon Sunderland

**Ward:** Hendon

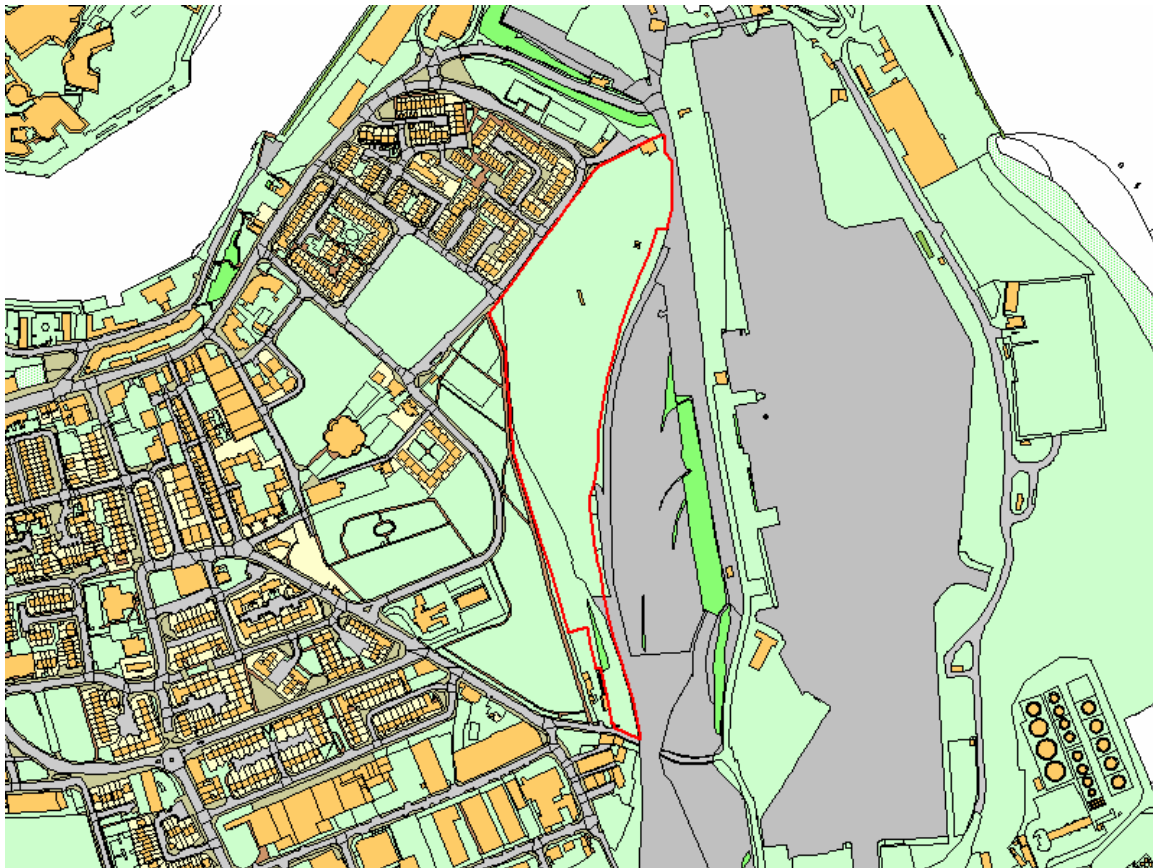
**Applicant:** Dahlia Property (Jersey) Ltd

**Date Valid:** 27 July 2010

**Target Date:** 26 October 2010

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### Location Plan



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### PROPOSAL:

The proposed development site is a vacant former goods yard of approximately 5.9ha. It is located to the east of the centre of Sunderland, on the south side of the River Wear where it meets the sea. The areas immediately surrounding the site comprise distinct parcels of land use, with industrial port related uses across the railway line to the east, open space and predominantly residential uses to the west and a further pocket of employment/industry stretching south along the edge of the railway.

The application submitted seeks outline planning permission (with all matters except access reserved) for development comprising B1 office floorspace, B2 industrial floorspace and B8 storage and distribution floorspace. The development also proposes 300 car parking spaces to serve the development.

**TYPE OF PUBLICITY:**

Press Notice Advertised  
Site Notice Posted  
Neighbour Notifications

**CONSULTEES:**

Health & Safety Executive  
City Services - Transportation  
County Archaeologist  
Port Manager  
ARC  
Street Scene (Environmental Service)  
Business Investment  
Network Rail  
Northumbrian Water  
Environment Agency

Final Date for Receipt of Representations: **10.09.2010**

**REPRESENTATIONS:**

No representations 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  
T\_14\_Accessibility of new developments, need to avoid congestion and safety problems arising  
T\_22\_Parking standards in new developments  
CN\_18\_Promotion of nature conservation (general)  
CN\_22\_Developments affecting protected wildlife species and habitats

**COMMENTS:**

The main issues to consider when assessing this planning application are:

- Principle of Development
- Highway Access and Car Parking
- Impact upon Ecology and Protected Species
- Impact of Proposed Development on Residential Amenity
- Archaeology

Following requests for further information all matters relating to this planning application remain under consideration. It is anticipated that these considerations will be concluded prior to the meeting of the Development Control Sub Committee meeting and reported on a Supplementary report accordingly.

**RECOMMENDATION: Deputy Chief Executive to Report**

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Reference No.: 10/03941/OUT Outline Application

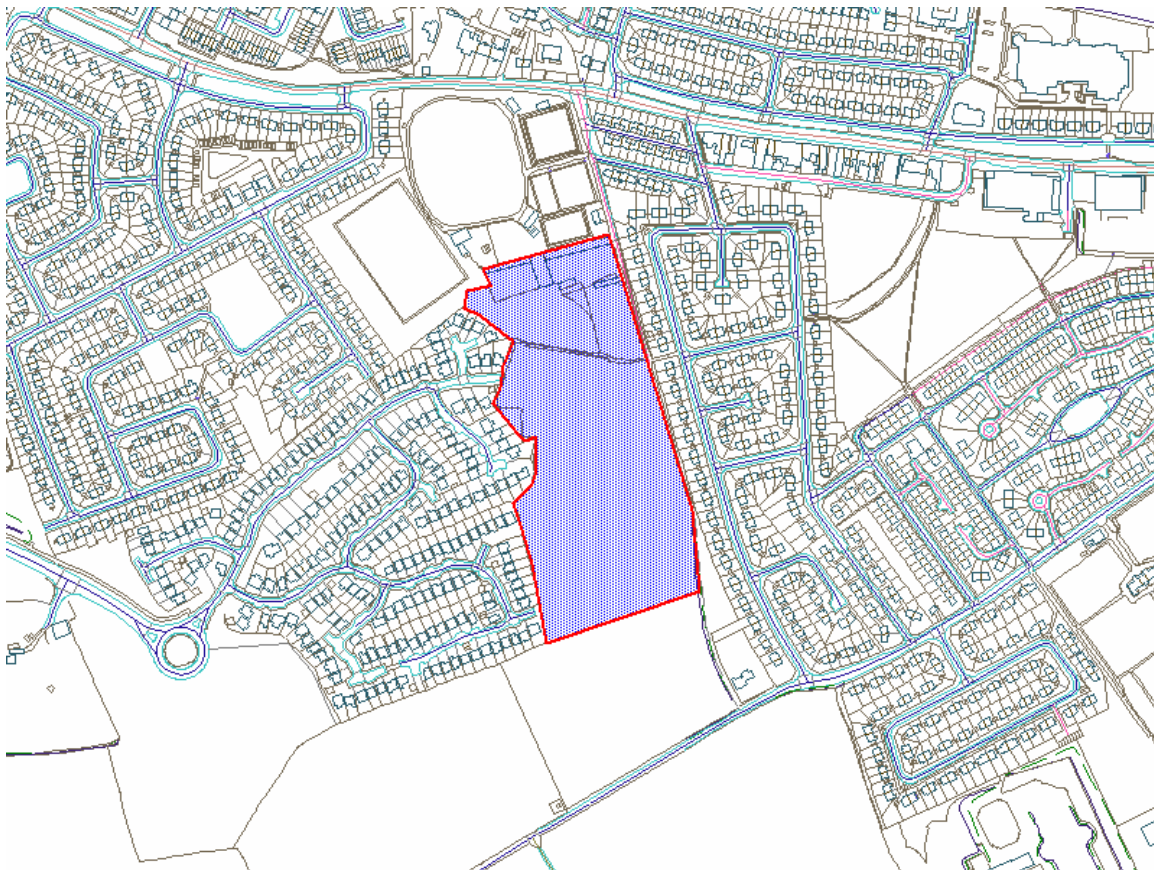
**Proposal:** **Outline planning permission with all matters reserved except for access for 150 residential dwellings at Rushford Phase 2.**

**Location:** Land to the Rear of Bevan Avenue Sunderland

**Ward:** Ryhope  
**Applicant:** Persimmon Homes North East  
**Date Valid:** 6 January 2011  
**Target Date:** 7 April 2011

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### Location Plan



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### PROPOSAL:

The application seeks outline planning permission with all matters reserved save for access for approximately 4.5 hectares of Class C3 residential development, creating 150 dwellings.

The application is accompanied by the following documents;

- Design and Access Statement
- Transport Assessment/Travel Plan
- Flood Risk Assessment
- Topographical Survey
- Desk-based Land Contamination Assessment
- Ecological Survey
- Archaeology Report & Building Recording
- Foul Sewerage & Utilities Assessment
- Lighting Assessment
- Site Waste Management Plan
- An extended phase 1 and protected species survey 14 February 2011.

The site is currently split between arable land and allotments with a burn which runs eastwards along the southern field boundary into a culvert. The northern portion of the site is relatively flat however the land rises predominantly southwards towards Burdon Lane. The site is bounded on the east and west by residential development.

Access is proposed via the roundabout junction of the B1286 Tunstall Bank, the access road and through Rushford Phase 1 via Highclere Drive and Bowood Close. Access from the existing Rushford Phase 1 is achieved directly from a purpose designed estate road 7.3m wide as laid down in the Adopted Ryhope Tunstall Supplementary Planning Guidance. The applicant states there is an informal road link which connects from Tunstall Bank to the north eastern corner of the site, however this is not proposed as a residential access.

The developer claims to have provided all transport infrastructure required by the RTPPG to allow the completion of development for the entire Rushford UDP allocation under the original Rushford Phase 1 permission, but accepts the fundamental issue surrounding this single point of access and the requirement to link Doxford Park from this roundabout remains.

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

Press Notice Advertised  
 Site Notice Posted  
 Neighbour Notifications

#### **CONSULTEES:**

City Services - Transportation  
 The Highways Agency  
 Environment Agency  
 Street Scene (Environmental Service)  
 Northumbrian Water  
 Director of Childrens Services  
 One North East  
 Northumbria Police (Sunderland Area Command)  
 County Archaeologist  
 Natural England

Final Date for Receipt of Representations: **09.02.2011**

## REPRESENTATIONS:

### Neighbours

Neighbours of the proposed development have objected in relation to the following matters

- It will interrupt the view.
- The proposed developer has failed to complete repairs on the existing estate.
- Limited access for emergency vehicles.
- Highclere Drive currently has many traffic calming measures in place (speed bumps) and due to the large number of children who play on this street the idea that this could become, in effect, a main road/bus route is considered inappropriate. The proposal would compromise the safety of the children, particularly if traffic volume and potentially traffic speed increased due to Highclere Drive being opened up as an access route.
- During the recent snow, it has been almost impossible for many cars to get up Highclere Drive and this situation would be exacerbated by further development.
- The creation of a proposed 150 houses would bring with it significant additional vehicles, potentially wanting access via this route.
- Highclere Drive often has cars parked on both sides of the road and it is a regular occurrence that movement is reduced to one car at a time, it is not always possible for two cars to pass.
- A number of design problems relating to Highclere Drive, specifically the steep gradient of the road, the small number of off-road parking spaces and the low number of parking bays provided.
- Recently the council refuse lorry lost control on Highclere Drive crashing into several parked vehicles and it is considered for this reason Highclere Drive would be unsuitable as the only access to the new estate either during the building phase or thereafter.
- The area of the planned application is a half way meeting point for anti social teenagers. There is a proposed green and it is considered this will increase the anti social behaviour, especially if due to the proposed bus route which if there are bus shelters which will be an attraction for crime and gatherings.
- The existing electricity pylon will need to be securely fenced off for safety reasons therefore creating yet another gathering point for anti social behaviour.
- The Ryhope Tunstall Peripheral Planning Guidance (RTPPG) states: The maximum number of dwellings to be accessed by a single spurs to be 200; this is already accounted for through the now complete Rushford Phase 1.
- Highclere Drive will be even more restricted should the road become a bus route. As there are currently a number of bus routes using the main Ryhope High Street, it is considered the addition on another route will be surplus to requirements of the residents.

- Having moved into this property in September 2010, at the end of the cul-de-sac in a quiet area of the estate with no passing traffic, it is now proposed that this cul-de-sac be opened up to allow primary access to the new development. It is considered this should have been the responsibility of Sunderland Council to bring to the attention of purchasers the fact that this area of land had previously been earmarked for future development. A solicitor was in contact with Sunderland Council prior to the purchase and at no point was this information made available.
- There is a severe problem on Lytham Way when parents are picking their children up from school, if the development goes ahead this will be a main access route for an additional 150 homes causing even more disruption.
- The development will put extra demand on already oversubscribed schools, GP Surgeries and dentists. Concern about increased Carbon Footprint in one of Sunderland's few remaining Green Belt areas.
- Increased noise, dirt and movement of heavy machinery/vehicles due to construction work
- Proximity of new houses to existing back gardens causing loss of quiet and seclusion
- Destruction of Wildlife Habitat (i.e. swallows who return every summer to feed/breed on and around the cornfield.
- Overdevelopment.

## Consultees

### Letter in Support

Smiths Gore act for the Church Commissioners for England, the freeholders of the majority of the application site and advise that the Commissioners state that they are in full support of it and would welcome the grant of planning permission.

### Members

A local Member objects to the proposed development on the grounds that there is no suitable safe access to the site from the existing estate via Highclere Drive or Bowood Close. In addition documents shown at a public meeting by the developer indicated an access via the rear of Bevan Avenue from Ryhope Street; this is not considered a suitable access.

A further Member is concerned in relation to bus / vehicle access at the bottom of Highclere Drive and would prefer to see an alternative to this proposal due to the effects of traffic and extending this to buses which it is considered will have an adverse effect on local residents (especially children).

### Highways Issues

The Director of City Services (Transportation) it considers it necessary to refuse this application for the following reasons:

The applicant proposes to take access from the now complete Rushford Phase 1, forming a loop road linking Highclere Drive and Bowood Close. This would result in the sole means of access to the wider highway network being via the one completed section of the Ryhope Doxford Park Link (RDPL) and the roundabout junction with Tunstall Bank.

Section 9 of the Ryhope Tunstall Peripheral Planning Guidance (RTPPG) looks at phasing of development in this area. In particular paragraphs 9.5 to 9.7 which set out the principle of partial development, specifically -the amount of housing accessed by each spur should not generate more traffic on local roads than would the total development with the complete RDPL in place-. The RTPPG continues to identify the maximum number of dwellings to be accessed via a single spur to be 200 dwellings for the Rushford development, which is already accounted for through the now complete Rushford Phase 1 which actually accommodates 216 dwellings.

The submitted Transport Assessment (TA) indicates the development would increase traffic demand to the West by 5 to 6 percent and 2 percent to the East, exacerbating highway safety and amenity issues. Whilst the TA focuses on the potential issues at the A1018 The Village (now the B 1286)/Ryhope Street South junction, it fails to address key elements of the RTPPG and the relatively high increase in traffic demand on the local highway network, particularly with regard to the Tunstall Village Green area. It is considered such increases would be to the detriment of the adjacent communities and existing highway network, contrary to policy outlined under the adopted Ryhope Tunstall Peripheral Planning Guidance.

It is considered that the TA emphasises the benefit of the RDPL being completed in its entirety. It is therefore recommended that as a minimum the western part of the RDPL linking the roundabout to Doxford Park Way needs to be in place to allow this development to proceed, with later phases being delivered by adjoining developments.

#### Policy

The proposal is acceptable in principle but areas where further clarification/information which were asked for at the pre-application stage have not been addressed.

The proposal should be assessed in light of UDP policy SA9.17, which allocates the site for housing. The proposal excludes the allocated land to the south, which connects the site to Burdon Lane. It would be preferable if this land could be included in any forthcoming planning application. If it is not, then a master plan should be provided to indicate how the site might be developed in the context of the remaining land, to take account of local access and open space provision envisaged in the Ryhope Tunstall Periphery Planning Guidance.

The application does not propose to develop the full UDP allocation which it is considered constitutes piecemeal development and may also prejudice the southern most part of the site coming forward. In line with comments previously forwarded to the applicant at the pre-application stage, the applicant needs to demonstrate how this land could be incorporated in this application (potentially through partnership working) or through a master plan demonstrating how the southernmost part of the allocation could be developed.

The site boundary submitted indicates that some allocated open space will be lost. The developer needs to demonstrate that this is not the case as a significant part of the open space allocation was lost during Rushford Phase 1. Any loss of open space should be resisted and the developer should demonstrate how this is compensated for in the provision of the linear park.



The site is approximately 4.85 hectares and the application proposes 150 dwellings equating to 31 dwellings per hectare. This is deemed appropriate and reflects the density and character of the area. The applicant states that a mix of housing will be developed on site. This should also include an element of executive housing. The applicant should give more information regarding the mix of uses, particularly around executive housing and affordable housing in line with UDP policy H16 and the City Councils Economic Viability Assessment (2010).

Policy H16 of the UDP states that the City Council will negotiate with developers, on the basis of site suitability, for elements of affordable housing to be provided on major new housing sites of 50 dwellings or more. The Strategic Housing Market Assessment (SHMA) and recent Economic Viability of Affordable Housing Requirement Study, identify a need for affordable housing within the city. The developer will be required to provide 10% affordable dwellings on site at a 75% social rented/ 25% intermediate split.

The RTPPG outlines specific issues which the application should consider. A full, or outline, application should take into account the guidance on urban form, layout and design. The Guidance also states that development must ensure that appropriate infrastructure and facilities are provided to meet the needs of the new population of the area. Section 11 provides more detail and outlines what planning obligations should be sought from developers including, amongst other things, contributions to:

- The Ryhope Doxford Park Link Road;
- Multi-user routes;
- Primary school provision;
- Environmentally friendly surface water drainage;
- The provision for the local park as informal recreation space;
- The provision of new allotments within Regent Park Road;

The supporting documents give little information on S106 contributions except to state that the applicant believes that contributions toward the Ryhope Doxford Park Link Road for Rushford Phase 1 funded both phases of the Rushford development (Phases 1 and 2) towards the road. The Council considers that this is not the case as stated in Recital 5 of the S106 Agreement for Rushford Phase 1.

It is considered discussions should also be held with Nexus concerning the proposed bus route through the site. Figure 5.1 of the RTPPG also indicates that there should be three local pedestrian and cycle links running through the site. The applicant only proposes two.

The application, although stating that it will provide 10% of its energy from renewables, does not give any information as to how this will be achieved.

The site is within the area of the Great North Forest - UDP Policy CNI5, and appropriate planting should take place within and adjacent to the site related to landscaping and the new park.

It is thus considered that although the land use is acceptable in principle, the development is considered piecemeal and concerns raised at the pre-application stage have not been addressed particularly with regards to the provision of the RDPL. If this continues to be the case, the proposal should be refused.

#### Natural England

The local authority should ensure that BAP Species of Principle Importance locally and nationally are properly considered through the planning process. PPS 9 states local authorities should take steps to further the conservation of habitats and species of principal importance through their planning function. Given this requirement the planning authority should consider the following.

- Reptiles  
The reptile survey was undertaken in a way which does not conform to recommended survey guidelines as set out in Froglife Advice Sheet 10 Reptile Surveys. The report provides two surveys only (the guidance recommends at least 7) and does not seem to cover the allotments which are deemed on page 19 of the protected species survey to be of good quality for slow-worm. Although the method statement on page 33 would seem sufficient to avoid an offence under the Wildlife and Countryside Act 1981 (and its subsequent amendments) listed on Schedule 5, the presence of Local BAP species of reptile could constitute a material consideration and the ecologist should therefore provide further justification for the short-comings of the submitted survey, as set out above.
- Birds.  
Several species of bird observed during the 2008 walkover are deemed to be of conservation importance both through the RSPB conservation lists and the UK/Durham Biodiversity Action Plan. There are also a number of birds identified through the Risk Assessment which fit those categories. The mitigation should therefore be targeted to the species found/likely to be found on site. This should include the provision of broad habitats deemed appropriate to support the existing population and diversity of birds on the site.

In accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England expects to be consulted on any additional matters, as determined by Sunderland City Council, which may arise as a result of, or are related to, the present proposal. This includes alterations to the application that could affect its impact on the natural environment. Natural England retains its statutory discretion to modify its present advice or opinion in view of any and all such additional matters or any additional information related to this consultation that may come to their attention.

## Highways Agency (HA)

The supporting documentation submitted with the application has been assessed. The method chosen to arrive at the trip rates generated by the proposals has used vehicle trip rates rather than person trip rates. In addition the sites chosen from the TRICS database are not listed, making it difficult to replicate the results for person trips. As part of the review HA have carried out a separate TRICS analysis to establish if the analysis is reasonable and to establish mode splits. These have been compared with Journey to Work Data (JTW) for the Ryhope ward in the 2001 Census. This suggests that the TRICS results underestimate the number of trips being made, especially for departures in the morning peak.

### Trip Distribution

The trip distribution prepared by the applicants only covered the local network surrounding the site and does not extend as far as the Strategic Route Network (SRN). Therefore HA software has been used to predict the distribution from the site. Based on the results of the run it was possible to establish the likely number of trips using the SRN. Based on the worse case implied by the Census JTW data it can be seen that only 22 trips would use the A19 northbound on slip road in the morning peak and only 6 trips would use the A19 Southbound off slip at Doxford Park. This would suggest that the proposed development will have little material impact on the SRN especially given that the number of trips predicted by the Census Journey to Work data is greater than the number presented by the applicants transport consultants.

As such the Highways Agency would not wish to offer any objection to the proposals.

### County Archaeologist.

Advises that the applicant has submitted an archaeological desk based assessment. The report concludes that a possible prehistoric enclosed settlement lies within the site. A rectilinear and curvilinear feature is visible on aerial photographs as a crop mark.

The site lies around 1km away from the medieval villages of Tunstall and Ryhope. The field to the immediate west of the site once contained ridge and furrow earthworks which related to medieval ploughing. The dilapidated remains of the 19th century Ox Close Farm have been recorded. The surviving remains date to between 1856 and 1896 and once included animal stalls. The walls are built of sandstone which has been painted white.

### Archaeological work required:

1. Fieldwalking on the ploughed part of the field
2. Geophysical survey
3. Evaluation trial trenching

If archaeological remains are found in the preliminary trenches and if those remains are at threat by the development, then they may warrant preservation in-situ. If the remains do not warrant preservation in-situ then they must be fully excavated before development commences.

It is expected the fieldwalking, geophysical survey and preliminary trenching to be done before reserved matters applications are submitted.

In light of the above it is recommended that if planning permission were to be granted the following should be imposed;

No groundworks or development shall commence until a programme of archaeological fieldwork (to include fieldwalking, geophysical survey, evaluation trenching and where appropriate mitigation excavation) has been completed. This shall be carried out in accordance with a specification

Northumbria Water (NW)

NW has no objections in principle but recommend the following be imposed should planning permission be granted:

Development shall not commence until a detailed scheme for the disposal of surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. Thereafter the development shall take place in accordance with the approved details. To ensure the discharge of SW from the site does not increase the risk of flooding from sewers in accordance with the requirements of PPS25 "Development and Flood Risk" and complies with the Hierarchy of Preference contained within Revised Part H of the Building Regulations 2000.

Environment Agency (EA)

In the absence of an acceptable Flood Risk Assessment (FRA), EA object to the proposal, and recommend refusal on this basis for the following reasons:

The FRA submitted with this application does not comply with the requirements set out in Annex E, paragraph E3 of Planning Policy Statement 25 (PPS 25). The submitted FRA does not, therefore, provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.

Due to the potential for flooding downstream from the culvert surcharging or being blocked, an existing greenfield runoff rate should be derived using a more scientific approach i.e. loH124. In order to prevent any increase in flood risk to the neighbouring housing estate, it is important the runoff rate is accurately produced and used to determine suitable run off the site.

It should be possible to overcome this objection if an updated FRA is submitted addressing the above concerns. This should include:

An assessment of the culvert capacity to confirm that it will convey the predicted flows, if this is possible.

An assessment of whether it is considered feasible to retain all storm water from the 100 year storm (plus climate change allowance for 100 years) on the site without risk to people and property on the site and adjacent land, based on the topography of the site.

EA usually object to proposals for culverting, unless they are required for access to a site. In this instance EA would also not recommend the culverting of the

watercourse through the site as it may increase the chance of flooding through blockage, and may remove any biodiversity benefits associated with the existing watercourse. Instead the watercourse should be used to create a feature within the site. If this was possible, the chance of blockage from debris may be reduced.

If the above objection is resolved and planning permission granted, EA would expect the following conditions to be imposed in order to make the development acceptable:

(1) Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), 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 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 these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

The information provided indicates that the site has been subject to fly-tipping and other uses which have resulted in the presence of made ground across the site. The environmental setting of the site is sensitive as it lies on the Magnesian Limestone - a principal aquifer. The site is also located within Zone 2 of a designated Source Protection Zone. This condition will ensure that the risks posed by the site to controlled waters are assessed and addressed as part of the redevelopment.

This condition has been recommended as the Environment Agency is satisfied that there are generic remedial options available to deal with the risks to controlled waters posed by contamination at this site. However, further details will be required in order to ensure that risks are appropriately addressed prior to development commencing.

In line with the advice given in PPS 23 EA understand that the LPA must decide whether to obtain such information prior to determining the application or as a condition of the permission. Should the LPA decide to obtain the necessary information under condition EA would request that the condition outlined above is applied.

The following condition is requested in relation to a verification report.

Prior to occupation of any part of the permitted development, 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 LPA. 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. This condition is to ensure that the risks identified in relation to controlled waters are adequately addressed.

A further condition is requested in respect of unsuspected contamination.

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, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with;. In case unsuspected contamination may exist at the site which may pose a risk to controlled waters.

EA also have the following advice to offer

#### Protected Species

EA records show that there could be Great Crested Newt in the area. These are protected under the Wildlife & Countryside Act 1981 and The Conservation of Habitats and Species Regulations 2010. Further guidance can be found at Natural England website <http://www.naturalengland.org.uk/>

#### One North East.(ONE)

ONE understand from the supporting information that there remain highway issues relating to the requirement by the Ryhope Tunstall Periphery Guidance for the completion of the Ryhope to Doxford Park Link Road prior to the provision of this additional housing. Clearly these issues need to be addressed to the LPA's satisfaction,

Whilst the Design and Access Statement which accompanies this application makes reference (in Part 7) to energy and efficiency and the Council requirement for the provision of a minimum of 10% energy supply from renewable sources, from the information provided by the applicants it is not clear how they intend to ensure the achievement of high standards of design and sustainability within this development.

With this in mind, should the application be viewed favourably, the Agency would request the LPA, through the imposition of appropriate conditions at this outline permission stage, to require the developer to pursue the highest standards of quality in the development of this site, e.g. achievement of appropriate Code for Sustainable Homes, Building for Life and Secured by Design standards.

In addition to the above, there is major activity in the North East to ensure the region is the first to have a comprehensive electric vehicle charging infrastructure in place. Given the scale of the development, it would be beneficial if this development was to incorporate charging point facilities within the dwellings. This provision would serve to underline the intention of the applicant to make this a sustainable housing development and could prove to be a selling point for the homes.

Subject to the satisfactory resolution of the above policy, highway and renewable energy issues together with any environmental issues and in the event that the LPA is minded to approve the application, One North East raises no objection to the proposed development.

## **POLICIES:**

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

H\_10\_Phasing of large housing developments  
H\_14\_Negotiation for special needs housing in major developments  
H\_15\_Encourage / negotiate for accessibility standards in housing developments  
H\_16\_Negotiation for affordable housing in major developments  
H\_21\_Open space requirements in new residential developments (over 40 bed spaces)  
R\_3\_Infrastructure provision, etc. in association with developments  
B\_20\_Undertake and encourage provision of works of art in major new developments  
B\_2\_Scale, massing layout and setting of new developments  
CF\_1\_Ensuring that land / buildings are available for community facilities  
SA\_9\_Allocation of site for new housing (over 10 units)  
SA\_39\_Programme of planting tree belts and woodlands  
SA\_48\_Identification / protection of strategic multi-user routes  
SA\_49\_Provision of new / improved strategic footpath links  
SA\_52\_Safeguarding of land corridors for roads and associated works  
SA\_54\_Sites for major new commercial and retail developments  
T\_13\_Criteria influencing proposals for highways improvements including new road construction.  
T\_14\_Accessibility of new developments, need to avoid congestion and safety problems arising  
T\_15\_Protection of land required for new highways / improvements  
T\_22\_Parking standards in new developments  
SA\_17\_Retention and management of Thornhill Urban Nature Reserve  
H\_1\_Provision for new housing  
H\_4\_Density of housing development to at least reflect that of the locality  
H\_10\_Phasing of large housing developments  
H\_14\_Negotiation for special needs housing in major developments  
H\_15\_Encourage / negotiate for accessibility standards in housing developments

H\_16\_Negotiation for affordable housing in major developments  
H\_21\_Open space requirements in new residential developments (over 40 bed spaces)  
L\_7\_Protection of recreational and amenity land  
CN\_15\_Creation of the Great North Forest

## **COMMENTS:**

The application site extends to approximately 4.5 ha and occupies land between Rushford Phase 1 and Bevan Avenue and is part of the UDP allocation SA9 .17. To date, the first phase of the overall site, Rushford Phase 1 has been completed providing a total of 216 dwellings.

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

- The Principle of the Development.
- Infrastructure Issues.
- Objections.
- Wildlife issues.
- Amenity issues.
- Children's play.
- Sustainability.

The Principle of the Development.

The application site is allocated for housing by Policy SA9 .17 of the Adopted Unitary Development Plan, the site will provide new housing on the site referred to in the Ryhope Tunstall Periphery Planning Guidance 1999 (RTPPG) as Rushford 2 and is subject to Supplementary Planning Guidance in the form of the RTPPG. In determining the application, and thus carries the full weight of the UDP. Providing the site is developed in line with the above the principle of housing on this site is considered acceptable

Infrastructure Issues.

The completed development at Rushford Phase 1 has produced 216 dwellings as well as local infrastructure. The applicant contends that the Phase 2 apportionment of the road (as identified within Appendix A of the Ryhope Tunstall Supplementary Planning Guidance) has been paid for entirely as has the multi-user route associated with it.

The site is part of UDP residential allocation 5A9 (17) Rushford. The first phase of the overall site, Rushford Phase 1 has now been completed (216 dwellings). The terms of the Ryhope Tunstall Periphery Planning Guidance (RTPPG) require that any further development of the site could only be acceptable if the remainder of the Ryhope to Doxford Park Link road (RDPL) is completed. Thus it was considered unlikely that this site on its own would be viable with this cost attached to it; hence it would have to await the development of all of the RDPL road as part of the development of the larger housing sites associated with redevelopment of Cherry Knowles and Ryhope Hospitals.



From the above it is considered that if the requirement for road access can be satisfied, development of housing on the site is acceptable in principle. Its timing in detail in relation to construction of other nearby strategic sites, particularly the first phase of the Cherry Knowles development, need to be considered.

With regard to the provision of the RDPL. It is understood that the development of the Phase 2 site utilising the one existing point of access from Phase 1 to the main road at Tunstall-Bank should continue to be resisted. However consideration has been given as to whether there might be a reasonable alternative to allow this site to be brought forward through provision of part of the remaining RDPL road rather than all of it (that part between the roundabout south of Tunstall Bank and Doxford Park include provision of a multi user route alongside.

The text to policy SA9 states:

Rushford could provide 330 dwellings. Development of these sites will need to be closely related to construction of the Doxford Park-Ryhope Link Road (RDPL). Currently, this link road is not envisaged to commence until the turn of the century; any development of all or part of these sites will require a developer contribution to advance this road's construction and achieve the necessary comprehensive access.

The site and wider area is subject of adopted Supplementary Planning Guidance in the form of the Ryhope Tunstall Periphery Planning Guidance 1999 (RTPPG) which sets the development framework master plan for Ryhope and Tunstall and is a material consideration in the determination of planning applications.

The areas of development closely relate to each other and will to some extent have an influence on existing communities and as such it was recognised that strategic roads from the Southern radial route to Doxford Park will connect the various sites, it is not acceptable for individual parcels to be developed without the approved context being in place. Developers are expected to prepare plans based on the RTPPG. It was recognised that Government policy was restrictive upon the provision of capital infrastructure by local government and DoE circular 1/97 Planning Obligations encourage provision to be made by developers when development was clearly related to the needs and impact of the development. The City Council thus expects the provision of major roads to be funded by the developer.

One of the main objectives of the RTPPG was to ensure the complete construction of the RDPL and associated multi user route with regard to principles of sustainable development. It was also considered that satisfactory access to the development sites is only possible by the construction of major new roads - the RDPL. This was recognised in the Draft for Consultation RTPPG (March 1998) which highlighted the highway implications of permitting major developments unless all of the relevant highway infrastructure is in place to strike a balance between the need for new development whilst ensuring there is no detrimental impact on the locality. It is stressed in para.9.6 of the RTPPG that no more than 200 houses should be developed taking access from Tunstall Bank - this has already been exceeded by the construction of 216 dwellings in Phase 1. The guidance continues in 9.12 that the RDPL must be in place before the balance of Rushford (Phase 2) can be developed.

Costs can be apportioned by dwelling numbers as suggested in Para. 10.9. Planning permission was originally granted on 13th October 2000 for 'Erection of 197 dwellings, associated access and landscaping and provision of part of Ryhope/Doxford Park link road to include stopping up of highway and change of use to all purpose highway and landscaping.' (Previously app no 99/00230/FUL ref: 99/00230/LEG). That permission included the provision of part of the Ryhope/Doxford Park link road to the west of the application site. From the suffix LEG it can be seen that this permission was subject to a section 106 agreement.

A section 106 agreement was signed on 13 October 2000. The 'Definitions and Interpretations' clearly define the land to which the permission relates as Phase 1 land as defined on an enclosed plan exclusive of Phase 2 land also identified on that plan. Reference is also made to the section 278 Agreement as 'An Agreement under section 278 of the Highways Act 1980(to be entered into prior to the commencement of Phase 1 Development) in relation to the RDPL, and the Multi User Route'

Within the section 106 the following extracts from the recitals refer to:

(5) The Council regard the obligations on the part of the Owner in relation to the Phase 1 Land contained herein as being a fair and reasonable part of such requirements in relation to the Rushford Site and intend that the remainder of such requirements in relation to the Rushford Site shall be met by the owner and/or developer of the Phase 2 Land.

The section 106 agreement sought the provision of equipped play space, a contribution to the Great North Forest, an open space/swale feature, management and adoption of the above.

The agreement continues in section 5;

'The Owner's obligations in relation to the RDPL and the Multi User Route will be set out in the section 278 Agreement and the parties agree that the due performance of such obligations will need to be guaranteed (in terms acceptable to the Council) by a guarantee of financial standing acceptable to the Council and that such guarantor will join in the section 278 Agreement to this effect. The parties expressly agree that the Phase 1 development shall not be commenced (within the meaning aforesaid) unless or until the Section 278 Agreement has been made and completed.'

A subsequent application for 'Development of land to provide 216 detached and semi-detached dwellings with associated garages, access and landscaping works. (Revised scheme). was submitted (ref. 01/00170/FUL) relating to the residential development only and the above planning permission in respect of the road provision remained unchanged.

From the above the provision of the RDPL is a requirement of the RTPPG, the first phase of Rushford provided the access from Tunstall Bank and via roundabouts to the housing development. It is clear from the s106 agreement that Rushford Phase 2 could only be built out if the RDPL is provided.

It is considered any further development would thus not be acceptable without further development of the RDPL, this has been conveyed to the applicant with a request to withdraw this application for further discussions, possibly with other developers to secure the infrastructure.

It is considered that if the applicant is not willing to comply with the above adopted policy the application would be recommended for refusal.

A full report will be made on the supplement to this report after further consideration by the applicant in consultation with the landowners.

#### Objections.

Objections from neighbours mainly relate to the suitability of access from Highclere Drive and Bowood Close. The Phase 1 layout was designed to accommodate public transport and further development utilising these routes and the Highway Engineer is satisfied that sufficient capacity exists.

Issues raised in relation to loss of views, anti social behaviour and the extent of land search detail and construction traffic are not planning issues that would influence the determination of this application.

#### Other Issues.

The matters raised in relation to Wildlife issues, Amenity issues, Children's play and Sustainability, could in the case of this outline application be controlled by condition or legal agreement.

#### Conclusion.

It is considered that the main issue to consider in determining the application is the provision of further infrastructure as required by adopted policy to allow development without imposing a financial liability on the City Council. This has been conveyed to the applicant and a recommendation will be made on the supplement to this report depending on the response.

#### **RECOMMENDATION: Deputy Chief Executive to Report**

## ITEMS FOR INFORMATION

LIST OF OTHER APPLICATIONS CURRENTLY ON HAND BUT NOT REPORTED ON THIS AGENDA WHICH WILL BE REPORTED WITH A RECOMMENDATION AT A FUTURE MEETING OF THE SUB COMMITTEE

APPLICATION NUMBER AND WARD		ADDRESS	APPLICANT/DESCRIPTION	DATE SITE VISIT REQUESTED	LAST ON AGENDA	COMMENTS
1	10/02291/OUT  Hendon	Edward Thompson Group Sunderland Paper Mill Ocean Road Sunderland SR2 9RY	<b>GVA Grimley Ltd</b>  Redevelopment of 10.62 hectares of previously-developed land for a mix of uses including up to 300 residential dwellings and up to 6,000 sqm of commercial/industrial floorspace, the provision of open space and associated engineering works and stopping up of highway.	Site Visit 21.01.11	01.02.11	Pending Consideration
2	10/03151/FUL  St Chads	Middle Herrington Farm Foxcover Lane Sunderland SR3 3TQ	<b>Smith Marston LLP</b>  Erection of two storey house, detached double garage and barn	Site Visit 21.01.11	01.02.11	Pending Consideration

# ITEMS FOR INFORMATION

LIST OF OTHER APPLICATIONS CURRENTLY ON HAND BUT NOT REPORTED ON THIS AGENDA WHICH WILL BE REPORTED WITH A RECOMMENDATION AT A FUTURE MEETING OF THE SUB COMMITTEE

APPLICATION NUMBER AND WARD		ADDRESS	APPLICANT/DESCRIPTION	DATE SITE VISIT REQUESTED	LAST ON AGENDA	COMMENTS
3	11/00410/VAR  Millfield	Pallion Health Centre Hylton Road Sunderland SR4 7XF	<b>Sunderland Teaching Primary Care Trust</b>  Variation of condition 2 (approved plans) attached to planning application 10/00158/FUL "Erection of 3 storey medical facility with associated car parking and landscaping".	N/A	01.02.11	Pending Consideration
4	11/00507/SUB  Hendon	194 - 197 High Street West And 1-2 Norfolk Street Sunderland SR1 1UG	<b>Mr D S Pannu</b>  Change of use to provide 2 office units (Use Class A2) at ground floor and 12 residential units (Use Class C3) on ground, first and second floors, to include external alteration (Resubmission).	N/A	N/A	Pending Consideration

## ITEMS FOR INFORMATION

LIST OF OTHER APPLICATIONS CURRENTLY ON HAND BUT NOT REPORTED ON THIS AGENDA WHICH WILL BE REPORTED WITH A RECOMMENDATION AT A FUTURE MEETING OF THE SUB COMMITTEE

APPLICATION NUMBER AND WARD		ADDRESS	APPLICANT/DESCRIPTION	DATE SITE VISIT REQUESTED	LAST ON AGENDA	COMMENTS
5	11/00612/LAP  Pallion	Bishopwearmouth Cemetery Chester Road Sunderland	<b>City Services</b>  Erection of a 10m high pole mounted CCTV column.	N/A	N/A	Pending Consideration
6	11/00631/FUL  Pallion	Former Felstead School Fordfield Road Sunderland SR4 0DA	<b>Housing 21</b>  Demolition of existing school building and caretakers cottage. Construction of 176 extra-care apartments with communal facilities and associated parking, access and landscaping.	N/A	N/A	Pending Consideration

# ITEMS FOR INFORMATION

LIST OF OTHER APPLICATIONS CURRENTLY ON HAND BUT NOT REPORTED ON THIS AGENDA WHICH WILL BE REPORTED WITH A RECOMMENDATION AT A FUTURE MEETING OF THE SUB COMMITTEE

APPLICATION NUMBER AND WARD		ADDRESS	APPLICANT/DESCRIPTION	DATE SITE VISIT REQUESTED	LAST ON AGENDA	COMMENTS
7	11/00787/LAL  Hendon	4 Saint Thomas Street Sunderland SR1 1NW	<b>Office Of The Chief Executive</b>  Installation of a raised platform to provide a bin storage facility within courtyard.	N/A	N/A	Pending Consideration

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## Appeals Received South Sunderland

Between 01/02/2011 and 28/02/2011

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Ref No	Address	Description	Date Appeal Lodged
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Appeals Determined Sunderland South

Between 01/02/2011 and 28/02/2011

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TEAM	Ref No	ADDRESS	Description	Decision	Date of Decision
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