

DEVELOPMENT PLAN

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

Unitary Development Plan - current status

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

STANDARD CONDITIONS

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

SITE PLANS

The site plans included in each report are illustrative only.

PUBLICITY/CONSULTATIONS

The reports identify if site notices, press notices and/or neighbour notification have been undertaken. In all cases the consultations and publicity have been carried out in accordance with the Town and Country Planning (General Development Procedure) Order 1995.

LOCAL GOVERNMENT ACT 1972 – ACCESS TO INFORMATION

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

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

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

These reports are held on the relevant application file and are available for inspection during normal office hours at the Development and Regeneration Directorate Services in the Civic Centre.

Equality statement

It should be noted at the outset that the personal circumstances (i.e gender, age, race, religion, sexuality and disability) of the applicant are not material considerations in the determination of an application for planning permission and consequently have played no part in formulating the following recommendation/decision

Philip J. Barrett
Director of Development and Regeneration Services.

1.

South
Sunderland

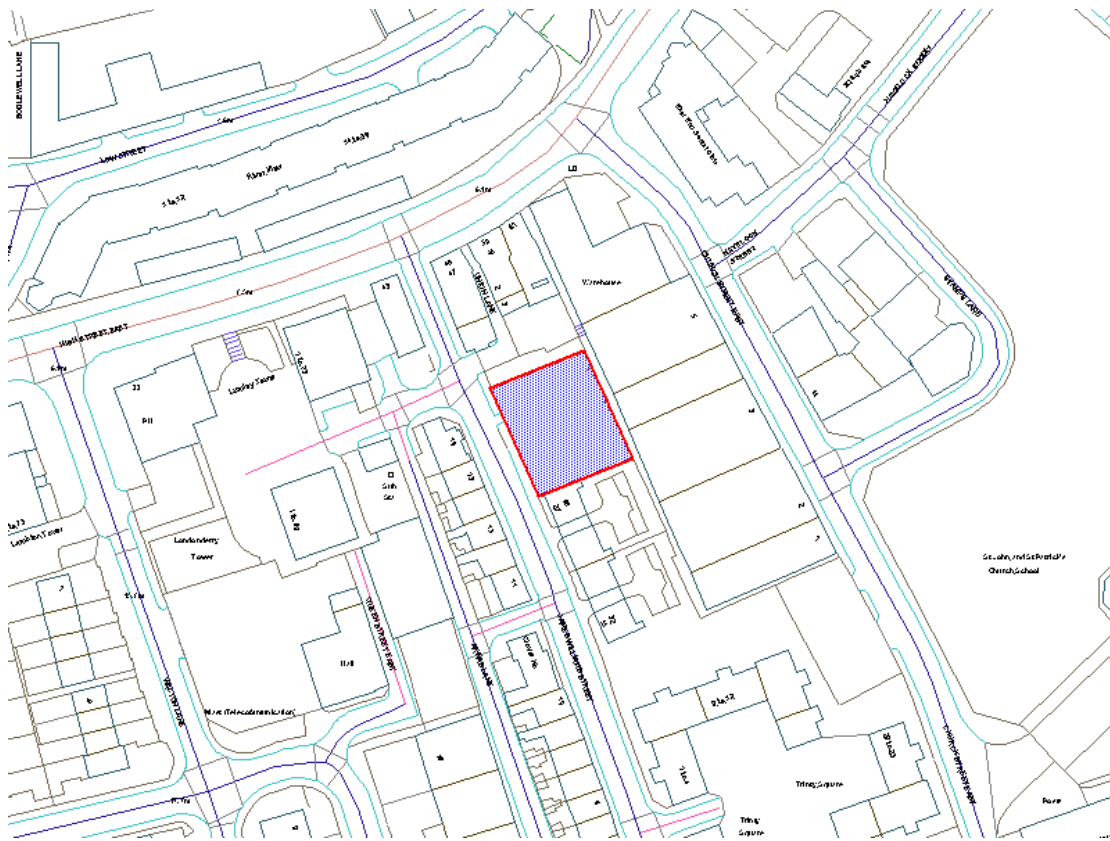
Reference No.: 09/00965/FUL Full Application

Proposal: **Erection of a three storey 10 bedroom care home.**

Location: Land At James William Street Sunderland

Ward: Hendon
Applicant: Milbury Care Services
Date Valid: 31 March 2009
Target Date: 26 May 2009

Location Plan



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PROPOSAL:

The proposal being considered is for the erection of a 766 sq metre, 10 no. bed care home on a vacant plot of land on James Williams Street, Hendon. The 0.7 hectare site itself currently takes the form of a grassed embankment, lying between the Former White Lion Public House and 26 - 27 James Williams Street, a relatively recent residential development from the early 1990's. An older terrace of traditionally-styled terraced dwellings lies on the other of the street. To the east lies the rear of a group of industrial units which are accessed from the next street across, Church Street East.

It should be noted that the site lies within the Old Sunderland Riverside Conservation Area and to the immediate north of the site lies the derelict Grade II Listed Buildings of 49 - 51 High Street East and, on a wider scale, the Grade 1 Listed Parish Church. The site also lies just outside of the World Heritage site setting zone. As such it is important to ensure that the impact of the proposed care home does not have a negative impact on the character and appearance of these historic buildings or the area in general where good quality conservation and design solutions are seen as a means of regenerating the community. As already stated, there is a considerable gradient running down across the site from both east to west and from south to north of approximately 2- 3 metres.

A previous application for a similar - sized care home scheme was submitted by the same applicant in May 2007 (app ref no. 07/02175/FUL) but was withdrawn on officer advice after an initial assessment raised concerns on design and highways grounds. A series of discussions have taken place in the interim, culminating in the submission of this application. The site has been advertised accordingly. Design and Access / Heritage Statements accompany the application in order to explain the rationale behind the proposals.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Director Of Community And Cultural Services
County Archaeologist
Environment Agency
Northumbrian Water

Final Date for Receipt of Representations: **07.05.2009**

REPRESENTATIONS:

Neighbours.

One letter was received in respect of the application from a resident of James Williams Street. Concerns raised related to:-

- The loss of a view across to the docks / sea.
- Loss of Light.
- Parking congestion as a result of the development.

These concerns are addressed in the comments section below.

Consultees.

County Archaeologist.

An archaeological desk based assessment has been submitted in support of the application. The County Archaeologist has advised that the site lies within the presumed extent of Sunderland medieval town/borough, which dates back to the twelfth century and as such, a programme of Archaeological works will be required. These are discussed the comments section below.

POLICIES:

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

H_14_Negotiation for special needs housing in major developments
B_2_Scale, massing layout and setting of new developments
B_4_Development within conservation areas
B_6_Measures to preserve and enhance conservation areas
B_7_Demolition of unlisted buildings in conservation areas
H_3_Quantification of land for new housing
H_5_Distribution of sites for new housing (over 10 units)
H_11_Housing sites with lapsed permissions normally to be approved
H_13_Encouragement of continued investment in existing private housing
B_1_Priority areas for environmental improvements
SA_13_Improvements to the residential environment of the East End
T_14_Accessibility of new developments, need to avoid congestion and safety problems arising

COMMENTS:

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

- The principle of the use on the site.
- The appearance and layout of the development.
- The impact upon neighbouring properties.
- Sustainability
- Environmental Considerations
- The potential archaeological implications for the site.
- Highways Issues
- Children's Play

The Principle of the Use on the Site.

Whilst the site is not identified for redevelopment in either the Interim Strategy for Housing Land (ISHL) or the Strategic Housing Land Availability Assessment (SHLAA), the site is shown as a 'committed/lapsed housing site' on the UDP Proposals Map. Policy H17 supports the development of nursing homes/residential institutions for people in the need of care, but also recognises that proposals should only be approved on the basis they will not have a

detrimental affect on the general amenity and character of the surrounding locality.

As the site is situated within a predominantly residential area, it is not considered that the proposed use would be harmful to the day to day amenities of neighbouring residents and as such, the proposed use is considered acceptable in principle in policy terms.

It should also be noted that the UDP states that proposals must demonstrate how parking and servicing requirements will be met and how the development will fit into the context of the Conservation Area. These particular aspects are discussed in the relevant sections below.

The Appearance and Layout of the Development.

The proposal is subject to policy B4, as it falls within the Old Sunderland Riverside Conservation Area, which requires proposals to preserve or enhance the character of the conservation area or its appearance. Policy B6 recognises the requirements of proposals, stated in policy B4, and sets out measures that the City Council will implement in order to meet these requirements. The measures are listed below:

- (i) Encouraging the retention of existing buildings and the improvement of features, open spaces, historic street patterns and plot boundaries;
- (ii) Encouraging the retention of existing mature trees;
- (iii) Introducing controls over the display of advertisements;
- (iv) Seeking, where appropriate, to control development by the use of Article 4 Directions;
- (v) Giving special attention to the preservation of important views into and out of the area;
- (vi) Restoring highways and verges by use of appropriate materials and planting, encouraging utility companies to respect such works;
- (vii) Reducing the impact of traffic where possible by diversion and traffic calming measures; and
- (viii) Promoting environmental improvement and enhancement programmes.

The submission follows a number of pre-application discussions between the Council and the developer. Numerous improvements have been made to the scheme as a direct result in order to seek an appropriate design solution and to accord with the aforementioned policy. The proposed development will re-establish a built presence to the frontage and thereby recreate more of the sense of the historic street in this Conservation Area, to its benefit.

Consequently, the proposed layout is now considered to be an acceptable 'modern take' on the terraced form prevalent in this and many other streets across the city. The rhythm of the fenestration of the recently built dwellings on this side of James Williams Street have been echoed in the proposals, with a strong vertical emphasis being created by extending and aligning the window openings across the buildings three stories. The design and layout of the development is considered to be sympathetic towards the nearby listed buildings and is deemed appropriate within the Conservation Area. As with all developments, the quality of materials and landscaping will play a major role in the success of the scheme. The use of contemporary materials on some

elements of the proposal should be incorporated to add visual interest and break up the massing of the elevations. Full details of all materials and hard and soft landscaping should be submitted and agreed in writing with the LPA, should members be minded to approve the application.

With respect to garden space, the proposed scheme provides approximately 208 sqm, which is more than double the area required for 10 residents of the care home which is recommended at 10 sqm per resident/patient.

Overall it is considered that the design of the scheme complies with the requirements of Policy B2 of the adopted UDP and is therefore acceptable.

The Impact Upon Neighbouring Properties.

Whilst the submitted layout does not achieve the minimum recommended spacing standards as set out in the Council's SPG, the proposed development is considered to be consistent with the scale and massing of the historic built form prevalent in the street and follows and strengthens the existing building lines. It should be noted that the next group of buildings down James Williams Street are also 3 storey in height. In addition there lies in close proximity a group of three high - rise tower blocks (approx 18 storey) and the 5 - 6 storey Low Street apartment development.

With regards to the concerns raised by the nearby resident in respect of affects on their amenity, these are answered as follows:-

Whilst the individual may currently enjoy a view across the site to the docks / sea, the right to such a view is not a material consideration in determining an application. With respect to a perceived loss of light, it is not considered that the proposal would result in any potential overshadowing apart from possibly the first few hours of the day, as the site is situated to the east of the existing dwellings. As such, the current levels of sunlight enjoyed will be maintained across the majority of the day. In terms of residential amenity, the proposal is therefore acceptable, meeting the requirements of UDP Policy B2.

Sustainability.

There is no information within the application that explains how the development proposal incorporates the principles of sustainability and energy conservation. The development should demonstrate a commitment to sustainability and energy conservation issues and should aim to achieve some form sustainability accreditation, such as the Code For Sustainable Homes / Ecohomes or similar a condition to this effect could be attached to any consent granted, should members be minded to approve the application.

Environmental Considerations.

Submitted with the application was a geoenvironmental report for the site. Although there is no record of any previous industrial activity on the site, the document has been forwarded to the Council's Environmental Health section: nonetheless it is proposed that conditions are imposed requiring further

contamination reports to be submitted, in the unlikely event that contaminants are found.

The Potential Archaeological Implications for the Site.

As raised by the County Archaeologist, the site lies within the presumed extent of Sunderland medieval town/borough, which dates back to the twelfth century. The shape of the early settlement is clear from 18th century maps, although it was probably not built upon until the 18th century when a street called Cassop's Lane was renamed Baines Lane.

James William Street replaced Baines Lane in 1871 and is mentioned in Corfe's book on Sunderland, as including two chapels of 1872 and 1878 and a hospital built 1876. The site of the proposal appears to have been occupied by James Williams Street School which opened in 1874 and was demolished in the late 1980's.

A substantial wall with blocked openings, probably former windows, forms the eastern boundary of the site. This could be the remnant of the 19th century market. Early medieval, medieval or post-medieval archaeological remains could survive on the site, particularly in the areas which would have been the location of the former school yard. As such, the County Archaeologist recommends that archaeological evaluation trenching will be required before development can proceed and if remains are found, it will be necessary either to open up a larger area of archaeological excavation or to monitor development works as a watching brief. Conditions ensuring such requirements are met can be attached to any permission issue, should Members be minded to approve the application.

Highways Issues

The proposal shows vehicular access being taken from James Williams Street under the building to a 5 no. space parking court to the rear. Two of these spaces are for disabled persons. This provides what is considered as being an acceptable number of parking spaces for a nursing home located outside of the central parking area. UDP guidance requires care homes, not within the Central Parking Area, to provide the following parking provision:

- 1 per 10 bed spaces;
- 1 per resident staff
- 1 per non-resident staff
- Any residential institution should provide a minimum of 5 car parking spaces.

Additionally, some minor revisions have been requested from the applicant in relation to footpath and aisle width, in order to ensure these are of an acceptable standard. It is anticipated that these details will be received prior to the committee meeting.

With regards to concerns raised by residents in relation to the development possibly causing parking congestion, the Councils Transportation section advise that the amount of parking attracted to the site would not result in conditions that could be prejudicial to highway safety and as such, the scheme is considered to

be in accordance with the requirements of UDP Policies T14 and T22 and is therefore acceptable in highway terms.

Children's Play

As the application proposes to create specialist residential accommodation for individuals who require care facilities and is not intended for families, there is no requirement for a financial contribution to be made towards the provision of children's play equipment.

CONCLUSION

The development of the site is considered to be an appropriate and acceptable in this location and has considered the historic context of the street scene within this conservation area, including the potential associated archaeological implications. The scheme will re-establish a built presence to this site which has been vacant for many years, leaving the street scene disrupted and incomplete.

Members are recommended to approve the application, subject to the conditions as set out below.

RECOMMENDATION: Approve

Conditions:

- 1 The development to which this permission relates must be begun not later than three years beginning with the date on which permission is granted, to ensure that the development is carried out within a reasonable period of time.
- 2 Prior to the commencement of works, the following details shall be submitted to and agreed in writing by the local planning authority:- Samples of all external materials and finishes, comprising roof cladding, wall facing materials, window glass, door and window frames, decorative features and rainwater goods etc. Sample brick panels shall be constructed on site, demonstrating the colour, texture, face bond and pointing. Thereafter, the development shall not be carried out other than in accordance with these approved details; in the interests of visual amenity and in order to comply with policies B2 of the Unitary Development Plan.
- 3 No ground works or development work shall take place until a programme of archaeological work (to include evaluation trenching and where appropriate, mitigation) has been completed. This 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 Local Planning Authority before the development commence, in order to ensure that any archaeological remains on the site can be preserved wherever possible and recorded and to accord with Policies B12 and B13 of the UDP.

- 4 Should any contamination not previously considered be identified during construction works a method statement regarding this material shall be submitted to the local planning authority for approval, in the interests of residential amenity and to comply with policy EN14 of the UDP.
- 5 Prior to development commencing on the site precise details (and samples where necessary) of all hard landscaping materials to be used throughout the development , (including details and location/layout of all proposed hard surfacing, means of enclosure, lighting columns, bollards and any other street furniture) shall be submitted to and approved in writing by the LPA, and used as agreed in such details In the interest of highway safety and to achieve a satisfactory form of development on site and to comply with the requirements of Policies T14 and B2 of the adopted UDP.
- 6 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a detailed scheme of soft landscaping which shall include detailed method statement for all tree planting indications of all existing trees and hedgerows on the land, and details for their protection during the course of development, in the interests of visual amenity and to comply with policy CN17 of the UDP.
- 7 No tree shown to be retained on the approved plans shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 "Tree Work", in the interests of visual amenity and to comply with policy CN17 of the UDP.
- 8 If any retained tree is removed, uprooted, destroyed or dies, another tree shall be planted at the same place and that tree shall be of such a size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority, in the interests of visual amenity and to comply with policy CN17 of the UDP.
- 9 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the buildings or the completion of the development whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation, in the interests of visual amenity and to comply with policy B2 of the UDP.
- 10 Before the development commences details a scheme of working shall be submitted to and approved in writing by the LPA. Such a scheme shall include; siting and organisation of the construction compound and site cabins; routes to and from the site for construction traffic; the method of containing the construction dirt and debris within the site, (ensuring that no dirt and debris spreads on to the surrounding road network-details to include the installation and maintenance of a wheelwash facility on site); and measures to ameliorate noise, dust, vibration and other effects. All

works and practices shall be implemented in accordance with the agreed details before the development commences and shall be maintained throughout the construction period in the interests of the amenities of the area and highway safety and to comply with policies B2 and T14 of the approved UDP.

- 11 Unless otherwise agreed in writing with the LPA, the construction works required for the development hereby approved shall only be carried out between the hours of 08.00 and 18.00 Monday to Friday and between the hours of 08.00 and 13.00 on Saturdays and at no time on Sundays or Bank Holidays in order to protect the amenities of the area and to comply with policy B2 of the UDP
- 12 Notwithstanding the submitted plans, the development hereby approved shall not be occupied until the access road and parking court has been completed in accordance with the submitted plans, in order to achieve a satisfactory form of development and to comply with policy B2 of the UDP.
- 13 Unless otherwise agreed in writing with the LPA, details of energy efficiency and/or renewable energy measures should be submitted to and agreed in writing with the LPA for consideration prior to the completion of the building. For the avoidance of doubt, such details shall include a justification for the type of measures chosen, including estimations of energy saved / created by such measures. Following the approval of such details, the agreed measures shall be implemented prior to the occupation of the building, in the interests of sustainable development and in order to comply with policy R1 of the adopted Unitary Development Plan.
- 14 Notwithstanding the provisions of the current Town and Country Planning (General Permitted Development) Order, and Circular 10/2005 details of the provision / location of any satellite antenna to be installed on the building or within the curtilage of the site shall be submitted to and agreed in writing with the Local Planning Authority, prior to installation in order that the Local Planning Authority may retain control over the development and to comply with Policy B4 of the Unitary Development Plan.