

Development Control (South Sunderland) Sub-Committee

30th March 2010

REPORT ON APPLICATIONS

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 Area

1. Central Multi Storey Car Park, South Street/ King Street
2. Pallion Health Centre, Hylton Road

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 Deputy Development Control Manager on 0191 561 1182 email address 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 (General Development Procedure) Order 1995.

LOCAL GOVERNMENT ACT 1972 – ACCESS TO INFORMATION

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

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

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

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

Janet Johnson
Deputy Chief Executive

Reference No.: 10/00158/FUL Full Application

Proposal: **Erection of 3 storey medical facility with associated car parking and landscaping**

Location: Pallion Health Centre Hylton Road Sunderland SR4 7XF

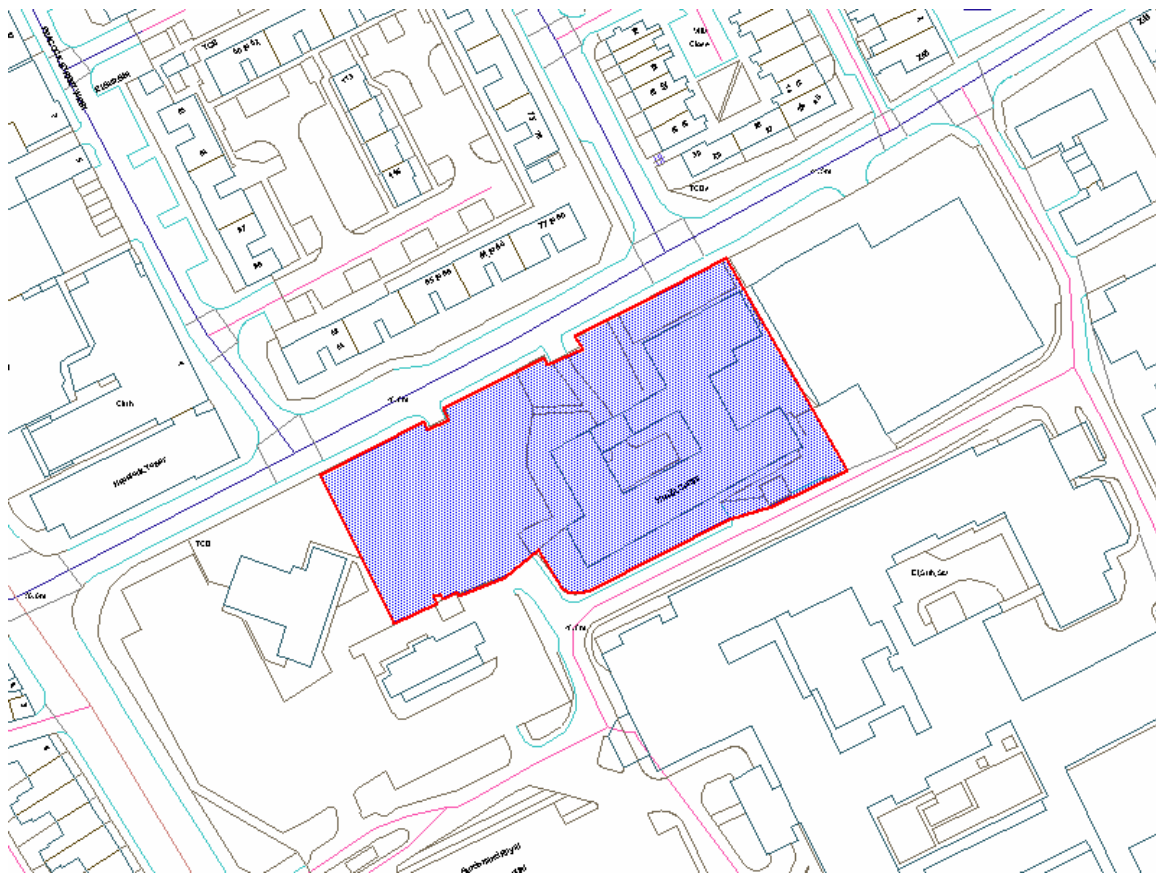
Ward: Millfield

Applicant: Sunderland Teaching Primary Care Trust

Date Valid: 21 January 2010

Target Date: 22 April 2010

Location Plan



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PROPOSAL:

The proposed development site is located on land currently occupied by the existing Pallion Health Centre on Hylton Road, situated directly to the North-West of Sunderland Royal Hospital. The redevelopment scheme will consist of demolition of the existing Pallion Health Centre and construction of a new three storey health centre building. The new building will occupy smaller footprint than the existing building, which is two storey.

The Primary Care Trust (PCT) aim to improve the quality of the services they provide to the people of Sunderland and in order to achieve this it will require the existing accommodation at the Pallion Health Centre to be improved. The PCT has taken the decision to provide an improved level of service from a dedicated new building.

This application is linked to planning application 09/04738/FUL for temporary accommodation, which has been submitted to enable the existing four doctor's surgeries at Pallion Health Centre to remain operational during the demolition and new build project. Members may recall this was approved at Committee on the 2 March 2010.

The submitted Design and Access Statement details the principle elements within the healthcare part of the building, including:

- 4 GP Practices
- PCT administration and clinical facilities including health promotion room
- Administration and support accommodation for staff and associated healthcare workers
- Podiatry / Eye screening suite
- Minor procedure suite with associated facilities
- Disruptive patient service
- Pharmacy

The layout of the building is spread over three levels, two of which contain the clinical accommodation with the top floor consisting of staff only facilities and the GP practices at first floor level. The ground floor, whose footprint is reduced due to the changes in site level, includes accommodation such as treatment rooms, minor procedure suite and large multi-purpose room along with the main reception and pharmacy.

The planning application has been supported by a Design and Access Statement, M&E Services Engineering Report, Flood Risk Assessment, Site Waste Management Policy, Transport Assessment / Travel Plan, Geo-Environmental Study, Arboriculture Survey and Ecology Survey.

TYPE OF PUBLICITY:

Press Notice Advertised

Neighbour Notifications

CONSULTEES:

City Services (Environmental Service)
Northumbrian Water
Director Of Health, Housing And Adult Services
Fire Prevention Officer

Final Date for Receipt of Representations: **08.03.2010**

REPRESENTATIONS:

Neighbours:-

No letters of representation have been received.

Consultees:-

Health, Housing and Adult Services.

No objections to the planning application.

City Services (Environmental Health)

A Geo Environmental Desk study has been carried out by WSP Environmental Ltd for the development. The report is a Phase 1 Desk Study which provides a preliminary risk assessment based on known historical land use of the site and its environs. Environmental Health accept that conclusions of WSP, that there are reasonable grounds for undertaking a Phase II Investigation to address the risk from potential pollutant linkages on the site. The results of the Phase II assessment would be used to design the remedial strategy.

If a hazard or hazards are identified on the site from any form of contaminant, the results of the survey shall be utilised to undertake a site specific risk assessment to consider risks to water resources, surrounding land, wildlife, building materials, future users of the site and any other persons.

No other works other than investigation works shall be carried out on the site prior to the receipt of written approval of any remediation strategy by the authority. The responsibility for the safe development of the site rests with the developer.

In view of the close proximity of the proposed development to nearby residential premises it is recommended that noisy on-site operations should not commence before 07:00hrs and cease at or before 19:00hrs Monday to Friday inclusive, and 07:30 and 14:00hrs Saturdays. No noisy works should be permitted to take place on Sundays and Bank Holidays at any time. Consideration is also required regarding the selection of machinery and methods of operation in relation to noise generation and regard should be had to minimise noise emissions. It is also considered that issues pertaining to vibration and dust arising from the development should be satisfactorily mitigated. Therefore, if Members are minded to approve, a condition should be included which limits the hours of construction and requires the agreement of a construction methodology.

POLICIES:

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

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

T_22_Parking standards in new developments

B_2_Scale, massing layout and setting of new developments

SA_18_Requirements for further redevelopment of Sunderland Royal Hospital

CF_10_Accessibility of proposals for health and social care

CN_17_Tree Preservation Orders and replacement of trees

CN_22_Developments affecting protected wildlife species and habitats

R_1_Working towards environmentally sustainable development

COMMENTS:

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

- Principle of development
- Design considerations
- Highway considerations
- Residential and visual amenity considerations
- Tree and Ecology considerations
- Sustainability considerations

Principle of development

The use of the site as a Health Centre is in accordance with policy SA18 of the Unitary Development Plan (UDP), as this states that development proposals within the Sunderland Royal Hospital complex will normally be approved provided adequate on-site parking and servicing provision is made.

The following highway consideration section explains in detail why, on balance, the proposed development is acceptable with respect to parking and servicing. Therefore the proposed Health Centre is considered to be acceptable and in accordance with the main land use policy associated with the site.

Another relevant UDP policy is CF10 which requires health and social care buildings to be located and distributed so as to be accessible to all residents of the City. As this is well established Health Centre and is part of the Sunderland Royal Hospital complex it is well served by public transport and as such is considered to be in accordance with this policy criteria.

In conclusion the proposed redevelopment of the site for the new Pallion Health Centre is considered to be acceptable and in accordance with key land use policy.

Design 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.

- Layout.

The proposed layout for the site consists of a single building which takes up a large proportion of the site and is located in its south east corner. The primary frontage of the building runs along the north and west elevations and which front onto Hylton Road. Car parking is accommodated in two parts of the site, the first in a small open air car park immediately to the west of the proposed building, with the other being 'undercroft', located under the eastern edge of the building.

The site layout is considered to be well thought out and appropriate, given the nature and physical context of the site. Prominent frontages appear to be adequately catered for, and car parking suitably accommodated so not to visually dominate the site.

- Scale.

The proposed building is largely three-storey and although this exceeds the buildings core, located to the rear of the site and the predominantly two-storey buildings along Hylton Road, considering the six to seven-storey hospital building to the rear of the proposed Health Centre, the proposal acts as a successful 'middle ground' in bridging the varied building scales in the area.

- Elevations.

The proposal is considered to demonstrate due consideration in terms of providing attractive facades along the building's prominent frontages. A good palette of contemporary building materials has been identified, and architectural features such as projecting gable elevations have been included to provide visual appeal and interest.

In conclusion from a design perspective there are no objections to the proposed scheme subject to the inclusion, should Members be minded to approve, of a condition requiring details of materials to be submitted to ensure that the high quality specification of materials included in the proposed design are realised in the construction of the development.

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.

This application is linked to planning application 09/04738/FUL for temporary accommodation, which has been submitted to enable the existing four doctor's surgeries at Pallion Health Centre to remain operational during the demolition and new build project. This was approved by Development Control Sub Committee on the 02 March 2010.

Accordingly, should Members be minded to approve it will be necessary to agree a scheme of works and traffic management for both the demolition of the temporary accommodation and construction phase to enable works to be carried out with minimal disruption and meet health and safety requirements. Consequently, should Members be minded to approve, a suitably worded planning condition would be appropriate to ensure that the Local Planning Authority retains control over such matters.

- Car Parking (Existing and Proposed).

Based on the number of consulting and treatment rooms proposed, the parking to be provided does not meet with the City Council's recommendations on parking guidelines, which has been calculated at 184 spaces. However, at present there are only 66 parking spaces available which are utilised by staff, patients and visitors, while 4 disabled parking spaces and taxi drop off point are situated within the internal courtyard. It is also noted that at present no physical measures restrict access to the car park, and as such some visitors to the Royal Hospital use this location for parking.

The proposed scheme will provide a total of 95 spaces, which is an increase of 29 parking bays on the current site. The main car park will accommodate 55 spaces for visitors and patients, three of which are suitable for disabled users, and a dedicated space for an ambulance drop off / pick up point. The remaining spaces on the site are located within the building footprint or remote from the main public entrance and therefore more suited to use by staff. Therefore the proposal will not only increase the level of parking, it will also enable the introduction of a management parking scheme ensuring that it is only used by visitors, patients and staff.

- Vehicular Access.

The established access to the main car park is considered to be the most appropriate for use by the public given the widened entrance, and available road width on Hylton Road. This location is considered to be acceptable given the greater number of vehicle turning movements associated with member of the public visiting the Health Centre. This entrance would not require any modifications to the public highway.

The secondary access / egress will need to be restricted for use by staff only. This arrangement would be appropriate as there are likely to be a smaller proportion of staff generated trips to and from this secondary access during the course of the day. Hylton Road is narrower at this location, and there is greater potential for vehicle queuing associated with vehicles waiting to turn right from Hylton Road (eastbound). It is considered that by allowing this access for public use in addition to staff

could potentially intensify congestion and result in delays on Hylton Road at this location. This could also potentially lead to conflict with users of the pedestrian crossing located immediately to the west of the access.

In light of this it is noted that the applicant has proposed the introduction of measures to control access using raised floor plates, with egress controlled by a raised floor stop or barrier on both vehicular entrances. This will be operated by a token system which will be issued to patients and visitors to the doctor's surgeries and treatment rooms. Details of these control measures need to be agreed, which will need to be located a suitable distance (a minimum of 6 metres from the back of footway) from the entrance to allow a car to pull safely off the public highway. Appropriate signing is also considered necessary to give motorists advanced warning of the access controls on both access roads. This proposal should help ensure that parking is managed and readily available to users of Pallion Health Centre and as such, should Members be minded to approve, it is recommended that suitably worded conditions are incorporated agreeing parking management and the implementation of the token and signage scheme.

The applicant has stated that the number of employees working within the Health Centre will change from 150 full time employees to 119. There are currently no part-time employees and this situation is not proposed to change. Therefore, the new Health Centre is unlikely to generate additional traffic movements in relation to staff use, and as such the secondary access is considered suitable for staff only.

Nevertheless, landscaping and boundary treatments will need to be designed to ensure that visibility splays are not obstructed which would be detrimental to the safe movement of vehicles and pedestrians on the highway and should Members be minded to approve a condition requiring the agreement of both the hard and soft landscaping should be incorporated to ensure appropriate control over development.

- Pedestrian Access and Public Transport.

Access for pedestrians from Hylton Road will be provided via a new walkway which can accommodate all users. The pedestrian link with the Sunderland Royal Hospital will be removed in the short-term during the demolition and construction phases. This link will be incorporated within the new scheme as it is considered an important and well used route. During this period, signing should be provided in conjunction with the Royal Hospital to direct pedestrians to the most convenient alternative routes available.

The applicant has stated that a large proportion of visitors to the Health Centre live locally and will arrive either on foot or by public transport, which is expected to continue and grow with the proposed opening of a new Health Centre. The existing signal-controlled pedestrian crossing between these two vehicular access points is retained as are links with bus stops on either side of Hylton Road.

- Travel Plan.

It is noted that a number of spaces will be dedicated for use as priority car-sharing bays for staff to encourage an increase in passenger numbers as opposed to car-alone drivers. The Primary Care Trust will also be required to promote alternatives to the car through travel planning commitments.

Additional provision is to be made for cyclists with twenty-four cycle parking spaces made available for use by staff and visitors.

Since the submission of the Transport Statement and Travel Plan, the Primary Care Trust has approached City Hospitals Sunderland to share the Park and Ride facility for the Royal Hospital during the construction phase. This operates a direct service from the Sainsbury's car park at Silksworth and the Stadium of Light car park. This shuttle bus service uses the Chester Road entrance to the hospital, with a pick up / drop off point at the Chester Wing Out-patients entrance. If successful, this service should be considered to continue under an arrangement with City Hospitals Sunderland.

It will be essential to monitor and review travel arrangements in conjunction with the City Council Travel Plan Co-ordinator to ensure targets are met. Once a Travel Plan Officer role is appointed by the Primary Care Trust, it will be essential to set up and hold regular meetings with the City Council. A target of a 10% switch from car use to other modes of travel has been identified by the applicant, and timescales for implementation will need to be agreed to ensure targets are met. Therefore should Members be minded to approve a condition should be incorporated requiring the agreement of a Travel Plan.

In conclusion the proposal is considered to be acceptable and in accordance with policy T14 of the UDP, subject to the incorporation of a parking management condition, a token/signage scheme and travel plan condition.

Residential and Visual 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.

The elevation facing Hylton Road, which is the element of development which opposes the nearest residential accommodation, Clanny House University of Sunderland student accommodation, has a spacing distance of 36m between facing elevations. Considering Section 10C of the Residential Design Guide Supplementary Planning Document requires minimum interface spacing of only 26m between three-storey dwellings, the residential amenity impact from the proposed Health Centre is considered to be acceptable and in accordance with the prescribed spacing standards.

In addition the relationship of the proposed building with the nearest hospital building to the rear is also considered acceptable, as the existing and proposed relationship and footprints between the Health Centre and adjacent hospital building is not significantly altered to warrant refusal of planning permission.

Although the proposed Health Centre building will increase to three stories at this point it is considered that set against the six to seven storey height of the facing hospital building the reduction in spacing from 15.2m to 12.4m is considered on balance acceptable, especially when factoring into account that neither is residential in nature and no prescribed spacing standards therefore exist.

Furthermore, the existing Health Centre which it is replacing is a long standing building and as such it is considered that its established presence also ensures that the amenity of the wider residential area will not be detrimentally affected by the development and accordingly the proposal is considered to be in accordance with policy B2 of the UDP.

Tree and Ecology Considerations.

UDP policy CN17 requires the retention of trees in all new developments where possible, whilst policy CN22 highlights that development which would adversely affect any animal or plant species afforded special protection will not be permitted.

Three trees (T113 to T115) were identified in the submitted Arboriculture Survey as likely to be affected by the proposed development. T113, a middle aged ash tree was identified as containing a fungal fruiting body, indicating a structural defect. The recommendation of the arboricultural survey was that T113 should be replaced using a suitable species, ensuring effective integration of the scheme and to continue to provide some landscape relief to the front of the proposed Health Centre.

It was also recommended that T114 and T115 are retained as part of the redevelopment of the site and are to be protected during the demolition and construction processes associated with the proposed scheme. Notwithstanding the recommendations of the submitted Arboricultural Survey, should Members be minded to approve, appropriate conditions can be incorporated agreeing replacement planting and an Arboricultural method/construction statement, in order to safeguard the remaining trees on the site.

The submitted Ecology Survey highlighted the fact that as the site largely consists of a concrete, brick and tarmac 1960s built Health Centre, with limited areas of vegetation with low ecological value, the potential for protected animal species to occur is low.

Nevertheless the survey does explain that due to the possible presence of breeding birds, any demolition or tree removal works should be completed outside the bird breeding season (February - August). If this is unavoidable then it is recommended that any tree to be removed should be pollarded before the season to make them unattractive as a potential habitat, whilst undertaking a further nesting bird survey on the site the day before demolition is to commence to ensure none will be disturbed. Consequently, should Members be minded to approve the application, a suitably worded condition should be incorporated requiring the adherence to the findings of the survey.

The Ecology Survey also considers that the relative risk of bats being present is low and additional survey work was not recommended. Nevertheless the survey does advise that if bats are found all work must stop and Natural England be

contacted for advice, this responsibility will be reaffirmed via an informative should Members be minded to approve.

It was also recommended in the Ecology Survey that the design of the redevelopment should incorporate some form of habitat creation in order to enhance the sites biodiversity; such as bat/bird boxes and native species planting.

Therefore subject to relevant conditions detailed above the proposal is considered to be acceptable in terms of trees and ecology and in accordance with policies CN17 and CN22 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. Policy 39 of the Regional Spatial Strategy (RSS) requires planning proposals to facilitate the generation of at least 10% of the North East region's consumption of electricity from renewable source by 2010.

The application is generally considered to accord with the principle of Policy R1 as it is on a previously developed site. The Mechanical & Electrical Services Engineering Report submitted with the planning application explains that there are design features that contribute to low energy/carbon reduction within the scheme, such as Air Source Heat Pump and solar panels.

The report also states that the Sunderland Teaching Primary Care Trust requires the development to achieve a minimum BREEAM (Building Research Establishment Environmental Assessment Method) rating of 'Excellent' and to minimise energy consumption and associated carbon dioxide emissions.

It is considered that a planning condition should be attached to any consent issued regarding the intended renewable energy provision and requiring the developer to submit a Post Construction Review Report carried out by a licensed assessor, together with a BREEAM Final Code Certificate, in order to ensure the development will be built to the stated BREEAM rating. As such, it is considered that the proposal would comply with the aims of UDP policy R1 and RSS policy 39.

CONCLUSION.

The demolition and erection of a new Health Centre is considered appropriate and acceptable in this location and is in accordance with relevant UDP policies and satisfactory in respect to residential, highway, ecology and sustainability issues. Accordingly Members are recommended to approve the application, subject to the conditions as set out below.

RECOMMENDATION: Approve

1. Three Years

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

2. Approved Plans

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

Site Location Plan, dwg. no. 1573 P 90 001 received 15 January 2010,
Existing Site Topographical Survey, dwg. no. 1573 P 90 002 Rev A received 21 January 2010,
Proposed Site Plan, dwg. no. 1573 P 90 004 received 15 January 2010,
Existing First Floor Plan, dwg. no. 1573 P 22 002 received 15 January 2010,
Proposed Sections – sheet 2, dwg. no. 1573 P 21 002, received 15 January 2010,
Proposed Elevations – sheet 1, dwg. no. 1573 P 20 002, received 15 January 2010,
Proposed Ground Floor Plan, dwg. no. 1573 P 22 004, received 15 January 2010,
Proposed Roof Plan, dwg. no. 1573 P 22 007, received 15 January 2010,
Proposed Sections – sheet 1, dwg. no. 1573 P 21 001, received 15 January 2010,
Existing Ground Floor Plan, dwg. no. 1573 P 22 001, received 15 January 2010,
Existing Elevations, dwg. no. 1573 P 20 001, received 15 January 2010,
Proposed First Floor Plan, dwg. no. 1573 P 22 005, received 15 January 2010,
Proposed Sections, dwg. no. 1573 P 90 005, received 15 January 2010,
Proposed Lower Ground Floor Plan, dwg. no. 1573 P 22 003, received 15 January 2010,
Proposed Elevations – Sheet 2, dwg. no. 1573 P 20 003, received 15 January 2010,
Existing Site Sections, dwg. no. 1573 P 90 003, received 15 January 2010,
Proposed Second Floor Plan, dwg. no. 1573 P 22 006, received 15 January 2010,
Landscape Strategy, dwg. no. 604/01 Rev A, received 15 January 2010.

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

3. Scheme of Working

No demolition or re-development shall take place until a scheme of working has been submitted to the satisfaction of the local planning authority; such scheme to include siting and organisation of the construction compound and site cabins, routes to and from the site for construction traffic, and measures to ameliorate noise, dust, vibration and other effects, and so implemented, in the interests of the proper planning of the development and to protect the amenity of adjacent occupiers and in order to comply with policy B2 of the UDP.

4. Boundary Enclosures

Notwithstanding any specifications on the submitted plans details of all walls, fences or other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority before the development is commenced. The agreed boundary treatment shall be completed before occupation or in accordance with an agreed timetable, in the interests of visual amenity and to comply with policy B2 of the UDP.

5. Hours of Construction

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 07.30 and 14.00 on Saturdays and at no time on Sundays or Bank Holidays in order to protect the amenities of the area and to comply with policy B2 of the UDP.

6. Off Street Parking

No part of the development shall be open to the public until the off street parking provision has been constructed, surfaced, sealed and made available in accordance with the approved plans. 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 policies T22 and B2 of the UDP.

7. Materials

Notwithstanding any indication of materials which may have been given in the application, no development shall take place until a schedule and/or samples of the materials and finishes to be used for the external surfaces, including walls, roofs, doors and windows has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details; in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.

8. Wheelwash

Before the development commences details of the method of containing the construction dirt and debris within the site and ensuring that no dirt and debris spreads on to the surrounding road network shall be submitted to and approved by the Local Planning Authority. These details shall include the installation and maintenance of a wheelwash facility on the site. All works and practices shall be implemented in accordance with the agreed details before the development commences and shall be maintained throughout the construction period in the interests of the amenities of the area and highway safety and to comply with policies B2 and T14 of the approved UDP.

9. Hard Landscaping

Notwithstanding the approved details, prior to development commencing on the site, precise details (and samples where necessary) of all hard landscaping materials to be used throughout the development, (including details and location/layout of all proposed hard surfacing, means of enclosure, lighting

columns, bollards and any other street furniture) shall be submitted to and approved in writing by the Local Planning Authority, and used as agreed in such details in the interest of highway safety and to achieve a satisfactory form of development on site and to comply with the requirements of Policies T14 and B2 of the Unitary Development Plan.

10. Landscaping 5 Years

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.

11. Tree – Construction Method Statement

No development or other operations shall commence on site in connection with the development hereby approved, (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening, or any operations involving the use of motorised vehicles or construction machinery) until a detailed Construction Specification/Method Statement for any proposed works within an area designated as a tree root protection zone has been submitted to and approved in writing by the Local Planning Authority. This shall provide for the long term retention of the trees. No development or other operations shall take place except in complete accordance with the approved Construction Specification/Method Statement. In the interests of visual amenity and to comply with policy CN17 of the approved UDP.

12. Replacement Tree Planting

Before the tree(s) which are the subject of this application are felled, details of the location, size and species of the replacement planting shall be submitted to and agreed with the Local Planning Authority along with a timescale for the replanting, in the interests of visual amenity and to comply with policy CN17 of the UDP.

13. Replace Retained Trees

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.

14. Replace Replacement Tree

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 opinion of the Local Planning Authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its

written consent to any variation, in the interests of visual amenity and to comply with policy CN17 of the UDP.

15. BREEAM

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 at least the BREEAM 'Excellent' standard, unless otherwise agreed in writing with the Local Planning Authority, in the interests of sustainability and in order to comply with Policies R1 and R4 of the UDP.

16. Renewable Energy Measures

Unless otherwise agreed in writing with the Local Planning Authority, details of the renewable energy measures should be submitted to and agreed in writing with the Local Planning Authority 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 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 UDP.

17. Bat and Bird Boxes

Before development, hereby approved, commences a scaled plan showing bat and bird box locations shall be submitted to and approved in writing by the Local Planning Authority and thereafter the agreed scheme shall be implemented in accordance with the scheme as agreed, in the interest of nature conservation and to achieve a satisfactory form of development on site and to comply with requirements of policies CN18 and CN22 of the UDP.

18. Travel Plan

The development hereby approved shall implement the measures and monitoring strategy as set out in the Travel Plan, dated 8 October 2009 (prepared by JMP Consultants Ltd) on first occupation of the Primary Care Centre to ensure that the Travel Plan targets are being met and subsequently reviewed. In the interests of reducing the impact of the development on the highway network and to accord with policy T14 of the approved UDP.

19. Parking Management

Before the development, hereby approved, is commenced a parking management scheme for the development both on completion and during the phased construction shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented in order to ensure that adequate car parking facilities remain available throughout the course of the development and the permanent places shall be retained thereafter, unless otherwise first agreed in writing by the Local Planning Authority, in the interests of highway safety and to comply with policies T14 and T22 of the UDP.

20. Token – Access Control Measures

No part of the development shall be open to the public until the access control measures have been submitted to and agreed in writing by the Local Planning Authority and so implemented in accordance with the agreed details. The access control measures shall then be retained thereafter, unless otherwise agreed in writing with the Local Planning Authority, in the interests of highway safety and to comply with policy T14 of the UDP.

21. Storage of Refuse

Prior to the first occupation of the development hereby approved precise written details of an area for the storage of refuse on site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall then be fully implemented in accordance with the approved plans and retained as such for the lifetime of the development unless otherwise first agreed in writing with the Local Planning Authority. In the interest of achieving a satisfactory form of development on site and to comply with the requirements of policy B2 of the adopted UDP.

22. Timing of Demolition – Breeding Birds

The felling of any tree, shrubs or other tree works as a consequence of the development, hereby approved, shall be undertaken outside the bird nesting season, (i.e. not during the period mid-february to end of August). If this is unavoidable, a nesting bird survey must be undertaken on the day before demolition is to commence in order to ensure no breeding bird will be disturbed. If nests are found, demolition works shall not commence until any dependent chicks have fledged, in order to comply with recommended actions as detailed in the submitted Ecology Survey (October 2009) and to comply with policy CN22 of the UDP.

23. Phase II Investigation/Remediation Statement

No works other than investigation works shall be carried out on the site until the application site has been subjected to a Phase II Investigation to address the risk from potential pollutant linkages on the site and remediation objectives have been determined through risk assessment, and approved in writing by the local planning authority 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 local planning authority, in the interests of residential amenity and to comply with policy EN14 of the UDP.

24. Validating Report

No works other than investigation works shall be carried out on the site 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 local planning authority, in the interests of residential amenity and to comply with policy EN14 of the UDP.

25. Additional Method Statement

Should any contamination not previously considered be identified during construction works an additional 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.

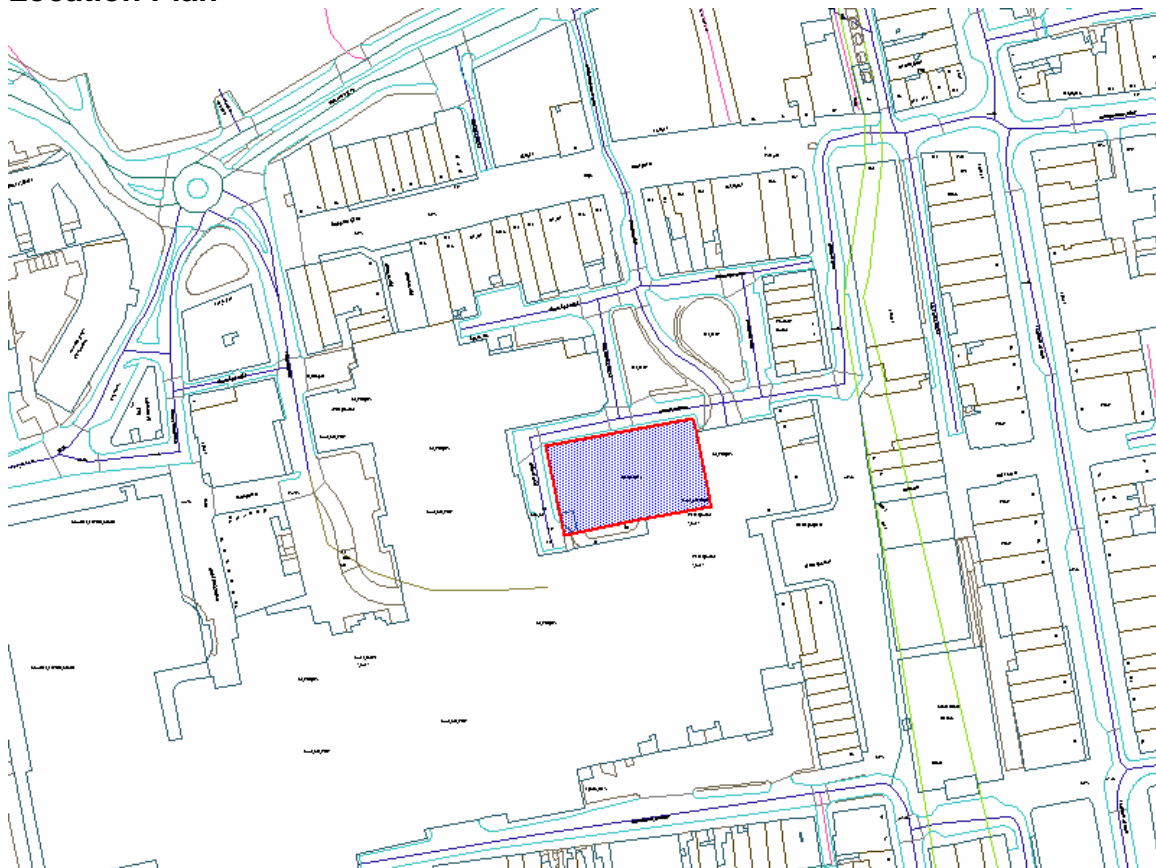
Reference No.: 10/00532/LAP Development by City(Regulation 3)

Proposal: **Demolition of multi-storey car park above Jacky Whites Market and waterproofing and resurfacing work to the exposed bottom car park level to create new roof level car park.**

Location: Central Multi Storey Car Park South Street / King Street Adj
The Bridges Sunderland SR1 1LE

Ward: Millfield
Applicant: City Services
Date Valid: 19 February 2010
Target Date: 16 April 2010

Location Plan



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PROPOSAL:

Planning Permission is sought for the demolition of the six upper floors of the multi-storey car park above Jacky White's Market and refurbishment of the lowest split level floor for use as an open roof level car park. This will involve the repair, waterproofing and surfacing of the exposed concrete slab and the installation of suitable lighting and perimeter boundary parapet walls and fences. It is proposed that existing entrance and exit positions to the car park shall be maintained.

The car park is a reinforced concrete structure built in the 1960s and consists of fourteen split level decks for vehicular parking, erected above the market hall of Jacky White's Market. The car park opened in 1969 and was erected in concrete which has deteriorated over time and has materialised as spalling delaminating concrete and corroding reinforcement. The car park has now reached a condition where it can not economically be repaired and maintained to a satisfactory standard and even were it to be made structurally sound, its design does not allow for improvements which would create a secure and attractive environment. At present, the car park provides restricted manoeuvring space for vehicles, low headroom and poor pedestrian access, both lifts having been decommissioned as beyond economic repair. The lowest level is presently designated parking for blue badge holders and residents of Astral, Planet and Solar Houses, with the upper floors available for public use.

A structural inspection in 2008 raised concerns that the condition of the car park had deteriorated to a point where it was advisable that it be closed with temporary propping to be provided to reduce the risk of structural failure. Temporary props have been installed and the car park remains closed pending consideration of future options.

Prior to closure of the car park, it was rarely busy with typical peak hour occupancy levels of 40% and it is considered that sufficient capacity existed in other City Centre car parks. The residents of Astral, Planet and Solar Houses have been relocated to other Council controlled car parks.

The Council commissioned an engineering framework consultant who recommended that the car park be demolished, but the market hall below should be retained and will be able to continue operating throughout the period of demolition. This was reported to Cabinet at its meeting of 9th September 2009 and approved by Council on 30th September 2009.

The proposed method of demolition involves the reinforced concrete floor slabs being progressively broken out from the top floor down with the support props removed as the work progresses. It is proposed to reduce noise from demolition through use of a breaking off action as opposed to drilling or sawing operations with the resulting debris loaded into skips, lifted down by crane and loaded to wagons. The car park structure will be encased in a 2 metre wide scaffold clad with an external flexible sheeting material to contain dust and debris during demolition.

It is proposed that the roof slab of the market hall, presently the bottom level of the car park shall be waterproofed and resurfaced for use as a private, roof level car park, permits for which will be made available for sale, utilising the existing entry and exit points. It is proposed that the existing precast concrete panel boundary edge protection be included in the demolition due to its poor structural condition and replaced by a new 2.4 metre high galvanised steel fence (painted blue) with a vehicle restraint barrier capable of resisting vehicle impact loads set inside of it. It is also proposed to install new 2 metre high fob controlled sliding gates at the entrance and exit to the car park in a similar style and colour to the proposed perimeter fencing. It is proposed to erect a 150mm high concrete upstand around the perimeter of the roof slab to assist in the waterproofing flashing details. It is proposed to erect four lighting columns on the roof top car park reflecting the existing lighting arrangement.

The lift shaft in the south-east corner is proposed to be demolished to roof level and the resultant void infilled with a reinforced concrete slab to close off the roof and accommodate additional parking spaces.

The stairwell access enclosure to the car park east side which leads to the corridor area below at The Bridges upper walkway shall be retained and a new 10 degree monopitch roof constructed with the existing outer wall which is formed of precast concrete panels to be replaced with brickwork to match the existing surrounding brickwork. The stairwell access from the car park west side to King Street is no longer required and will be closed off using brickwork to match the existing King Street elevation.

TYPE OF PUBLICITY:

Site Notice Posted

Final Date for Receipt of Representations: **22.03.2010**

REPRESENTATIONS:

To date, no representations have been received, although it should be noted that the consultation period does not expire until 22 March 2010, which is after the deadline for preparation of this report. Any representations received will be reported in advance of the Sub-Committee Meeting by way of a supplement report.

POLICIES:

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

B_1_Priority areas for environmental improvements

B_2_Scale, massing layout and setting of new developments

CN_18_Promotion of nature conservation (general)

EN_1_Improvement of the environment

SA_96_Overall car parking requirement for City Centre (6000 spaces)

SA_98_Retention/ improvement of permanent car parks

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

COMMENTS:

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

- the principle of the proposed development;
- the proposed method of demolition;
- impact on the highway network and parking provision
- impact on protected species

The Principle of the Proposed Development.

The site of the car park is identified under policy SA98.4 of the Unitary Development Plan (UDP) as a location to be retained as a permanent car parking site, with improvements undertaken where necessary.

As detailed above, the decision to demolish the top levels of the car park has been taken in the interests of public safety due to the poor condition of the structure, which necessitated its closure in December 2008. Notwithstanding the demolition of the upper levels of the car park, it is proposed to retain the bottom level as a car park, with a reduction in the number of available spaces from 391 to 62. It is proposed that the roof top car park which would result would operate privately, with permits sold to prospective users as it would not be commercially viable to operate a public car park with only 62 spaces in this location. Thus, whilst there will be a significant reduction in the previously available number of car parking spaces, it is considered that through bringing one floor of the presently closed car park back into use, the proposal complies with UDP policy SA98.4.

UDP policy B1 dictates that the Council will implement a programme of environmental improvements. In general, priority will be given to sites which are visually prominent or sites of greatest environmental degradation.

Thus, the proposed demolition of the upper levels of the car park, which are in poor condition to be followed by a programme of improvements to the remainder of the structure is considered to comply with UDP policy B1.

UDP policy B2 dictates that the scale, massing, layout and setting of new developments and extensions to existing buildings should respect and enhance the best qualities of nearby properties and the locality. The Council has produced and adopted the UDP alteration No.2, which sets out a strategy for developments in Central Sunderland. Therein, policy B2A seeks to secure the highest possible quality of built environment where new developments should reinforce the established urban character, respond to the scale, form, massing and patterns of townscape developments which make a positive contribution, contribute to a safe and secure environment and consider the necessary levels of parking provision.

In this regard, the proposal to demolish the upper levels of the car park and retain the existing lower level as car parking, enclosed by 2.4 metre high fencing is considered acceptable in that the existing car park is considered to have a negative visual impact on the townscape. The proposed fence around the new roof top car park would be coloured light blue to match the railings on the access ramp to the car park and around the sides of the existing car park, with brickwork and concrete utilised as detailed above to match the existing structure, where repairs are required. These details could be secured through the imposition of conditions on any planning consent. The proposal is therefore considered to comply with UDP policy B2 and policy B2A of UDP Alteration No.2.

The Proposed Method of Demolition.

UDP policy EN1 seeks to ensure that environmental improvements are carried out, with all forms of pollution minimised.

In this regard, the application is accompanied by a document detailing the proposed method of demolition. As detailed above, this involves the progressive breaking out of the reinforced concrete slabs and removal of additional support props as work advances. This will be done by a breaking off method as opposed to drilling or sawing operations, with the resulting debris loaded into skips, lifted down to street level and loaded to wagons for removal from the site. The car park will be encased in a 2 metre wide scaffold clad with an external flexible sheeting material to contain dust and prevent escape of debris during demolition, to provide public and environmental protection. Public access routes to the market hall and the existing extraction vents on the outside walls of The Bridges shall be maintained through the scaffold. Above the market hall roof, a steel truss crash deck will be constructed with additional temporary props installed on each parking level. These measures would protect the Market Hall roof in the event of a progressive structural collapse. In addition to the additional columns within the car park, it is proposed to strengthen the existing columns within the Market Hall. The current car parking on South Street and King Street will be temporarily suspended through use of a temporary traffic regulation order to allow, site, refuse and emergency vehicles only to access the area of the car park and also to allow for the creation of a site compound.

It is considered that through the imposition of a condition requiring compliance with the proposed method of demolition, the proposal complies with UDP policy EN1 and the proposed method of demolition is acceptable in order to avoid detriment to amenity or public safety.

Impact on Highway Network and Parking Provision.

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

In this regard, the existing means of access and egress to and from the car park are to be maintained for the new roof top car park and as such, no alterations to the highway network are necessary. The proposal is considered to comply with UDP policy T14.

With regard to car parking provision, UDP policy SA96 seeks to ensure that sufficient car parking space will be provided to cater for normal Saturday demand up to a maximum of 6,000 spaces, with policy SA98.4 identifying the site to which the application relates as one which will be retained as permanent car parking.

Whilst the demolition of the upper levels of the car park will result in a net loss of 329 parking spaces, it is indicated that prior to its closure in December 2008, the car park was only 40% full at peak times, with many of the users being residents of Astral, Planet and Solar Houses. Parking for these residents has been relocated to other City Centre car parks since the closure of the car park subject to this application. Notwithstanding the reduction in available car parking, the car

park is presently closed and it is considered that the proposal, which would bring 62 car parking spaces back into use is acceptable and complies with UDP policies SA96 and SA98.4 in retaining a car park on the site, without the risks to public safety which exist should the existing structure be retained.

Impact on Protected Species.

Policy CN18 states that the promotion of interests of nature conservation will be sought throughout the City through making provision in development proposals for preservation of habitats or creation of compensatory habitats and where necessary, refusing inappropriate development.

In this regard, the application is accompanied by an Ecological Risk Assessment and Method Statement. This report found that whilst there are patches of degraded concrete exposing the reinforcing metalwork, the structure remains generally well sealed.

It is considered that the car park is structurally unsuitable for supporting an active season, cool or hibernation bat roost due to lack of features suitable for roosting bats and until recently, high levels of disturbance associated with vehicles using the car park. The car park is not heated and therefore unsuitable for maternity or active season roosts and too exposed to the weather to be suitable for a hibernation or cool roost. Additionally, there is no record of any bat roost within 1km of the site.

The report concludes that as there is very low risk of bats using the car park, an activity survey is not required and as no impact upon the local bat population is expected, no mitigation is required with respect to bats. Notwithstanding this, a method statement is provided to deal with the eventuality of bats being discovered during demolition and it is recommended that a condition be imposed on any planning consent requiring compliance with this method statement.

With regard to the use of the car park by breeding birds, it is considered that this is a possibility due to the car park's structure, location and current vacancy. The method statement also takes account of the potential presence of breeding birds and would be covered through the imposition of a condition and informative note on any planning consent to ensure no detriment to protected species.

In light of the above, it is considered that through the imposition of appropriate conditions and informative notes that there will be no detriment to nature conservation or protected species. The proposal is therefore considered to comply with UDP policy CN18.

CONCLUSION.

The period for the receipt of representations does not expire until 22 March 2010, which is after the deadline for the preparation of this report. Accordingly the recommendation is that Members be minded to grant consent for the proposed development in accordance with Regulation 3 of the Town and Country Planning General Regulations (1992), subject to no representations being received and subject to the conditions below.

If any representations are received prior to the Sub-Committee meeting these will be reported by way of a supplement report.

RECOMMENDATION: Grant Consent under Regulation 3

Conditions:

- 1 The development to which this permission relates must be begun not later than three years beginning with the date on which permission is granted, as required by section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 to ensure that the development is carried out within a reasonable period of time.
- 2 Unless otherwise first agreed in writing with the Local Planning Authority, the development hereby granted permission shall be carried out in full accordance with the following approved plans:
 - Location Plan - Dwg No 20/NB093/004, received 16 February 2010;
 - Existing Elevations - Dwg No 20/NB093/005, received 16 February 2010;
 - Proposed Elevations - Dwg No 20/NB093/006, received 16 February 2010;
 - Existing and Proposed Roof Plans and Sections - Dwg No 20/NB093/007, received 16 February 2010;
 - Sentinel Convex Bow Top Railing System Details, received 16 February 2010;
 - Proposed Deck Layout - Dwg No SL(2)220 Rev B, received 16 February 2010
 - New Stair Structure Details - Dwg No A(2)420 Rev B, received 16 February 2010.

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

- 3 Notwithstanding any indication of materials which may have been given in the application; the external materials to be used, including the car park surfacing, the concrete upstand around the perimeter of the roof, the patch repairs to the existing concrete, the concrete slab to infill the existing lift shaft, the brickwork and monopitch roof to the access enclosure to the car park east side and the brickwork to block up the King Street doorway shall be of the same colour, type and texture as those used in the existing building, unless the Local Planning Authority first agrees any variation in writing; in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.
- 4 Notwithstanding the submitted plans, the proposed galvanised steel perimeter fencing and access gates shall be painted or powder coated light blue (RAL5015) prior to their installation and shall be maintained as such thereafter in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.

- 5 The development shall be carried out in complete accordance with the conclusion and method statement of the Ecological Risk Assessment and Method Statement dated February 2010 submitted with the planning application and prior to the commencement of development, copies of this strategy shall be issued to the developer and building contractors working on site, in order to ensure a satisfactory form of development and to comply with policy CN18 of the Unitary Development Plan.
- 6 The development shall be carried out in complete accordance with the proposed method of demolition incorporated within the Design and Access Statement accompanying the planning application and prior to the commencement of development, copies of this strategy shall be issued to the developer and building contractors working on site, unless otherwise agreed in writing with the Local Planning Authority, in order to ensure a satisfactory form of development and to comply with policy EN1 of the Unitary Development Plan.
- 7 No construction works required for the demolition and subsequent redevelopment hereby approved shall be carried out other than between the hours of 08.00 and 18.00 Monday to Friday and 08.00 and 13.00 on Saturdays with no works to be carried out on Sundays or Bank Holidays, unless first agreed in writing with the Local Planning Authority, in the interests of residential amenity and to comply with policy B2 of the Unitary Development Plan.
- 8 Prior to the commencement of development, full details and specifications of the new lighting to the proposed roof top car park shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter development shall not proceed other than in accordance with the approved details unless the Local Planning Authority first agrees to any variation in writing, in order to ensure a satisfactory form of development and to accord with policy B2 of the Unitary Development Plan.

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		ADDRESS	APPLICANT/DESCRIPTION	DATE SITE VISIT REQUESTED	LAST ON AGENDA	COMMENTS
1.	10/00113/EXT1 St Annes	Dewhirst Ltd. Pennywell Industrial Estate	North East Property Partnership Limited Application to extend the life of planning permission granted under reference 06/04558/FUL	N/A	N/A	Pending further consideration

Appeals Received South Sunderland

Between 01/02/2010 and 28/02/2010

Ref No	Address	Description	Date Appeal Lodged
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Appeals Determined Sunderland South

Between 01/02/2010 and 28/02/2010

TEAM	Ref No	ADDRESS	Description	Decision	Date of Decision
	09/00030/CONDS	43 Ashdown Road Sunderland SR3 3HU	Variation of condition4 of planning permission 01/00480FUL to extend permitted opening hours from 20.00hours to 23.00hours and to allow trading on bank holidays.	DISMIS	25/02/2010
	09/00039/REF	207 Chester Road Sunderland SR4 7TU	Change of use from A1 (Retail) to mixed use A1 (Retail) and A3 (Cafe with double garage to the side.	APPC	02/02/2010
	09/00045/REF	Silksworth Video Centre Unit 1 Tunstall Village Road Sunderland SR3 2AZ	Change of use to hot food takeaway (Use Class A5) to include extraction facilities to rear elevation.	APPC	25/02/2010
	09/00046/REF	28 Bishops Way Sunderland SR3 2SJ	Erection of 2 storey front extension and increase in height of dwelling	DISMIS	03/02/2010
	09/00047/REF	12 Estuary Way Sunderland SR4 0RS	Erection of a conservatory to the rear.	APPC	16/02/2010



Appeal Decision

Site visit made on 8 February 2010

by **Kevin Ward BA (Hons) MRTPI**

an Inspector appointed by the Secretary of State
for Communities and Local Government

The Planning Inspectorate
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Decision date:
25 February 2010

Appeal Ref: APP/J4525/A/09/2110321

43 Ashdown Road, Sunderland, Tyne and Wear SR3 3HU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mrs Mandeep Gill against the decision of Sunderland City Council.
- The application Ref 09/01259/VAR, dated 31 March 2009, was refused by notice dated 19 June 2009.
- The application sought planning permission for the change of use from bakers/cold sandwich shop (A1) to a hot food takeaway (A3) without complying with a condition attached to planning permission Ref 01/00480/FUL, dated 17 May 2001.
- The condition in dispute is No 4 which states that: The premises shall not be operated for the purposes approved between the hours of 8.00pm and 8.30am on weekdays and Saturdays nor at any time on Sundays or Bank Holidays.
- The reason given for the condition is: 'In order to protect the amenities of the area and to comply with policy S12 of the UDP.'

Decision

1. I dismiss the appeal.

Main Issue

2. The main issue is whether condition No.4 is reasonable and necessary in order to protect the living conditions of the occupiers of nearby dwellings in relation to noise and disturbance.

Reasons

3. The appellant is seeking the extension of opening hours to 23.00 hours Monday to Saturday and to be able to open on Bank Holidays.
4. Policy S12 of the City of Sunderland Unitary Development Plan (UDP) allows for hot food takeaways in existing town and local centres and other appropriately located and accessible sites unless they have a detrimental effect on the environment, residential amenity and public or highway safety.
5. The Supplementary Planning Guidance: Development Control Guidelines (SPG) was subject to public consultation and formally adopted by the Council. It therefore carries significant weight. Section 9 of the SPG provides guidance on hot food takeaways and other uses which at the time were in Use Class A3. In predominantly residential areas, Paragraph 9.1a (ii) of the SPG seeks to avoid

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such uses in shopping parades of 10 or less units where the nearest dwellings are less than 50m away.

6. The appeal property sits within a parade of 6 units. A general store/off licence occupies two of the units. Ashdown Road and the surrounding area generally are predominantly residential and there are a number of dwellings within 50m of the appeal property, including flats above the shops. Under such circumstances a hot food takeaway would be contrary to the guidance in the SPG.
7. There are no other hot food takeaways in the parade. It appears that the general store/off licence closes at 21.00 hours and that none of the other units are likely to generate late night activity. Given this context, the extension of opening hours at the appeal property until late at night would introduce additional activity at times when the parade of shops is likely to be otherwise relatively quiet. Whilst there is no evidence of particular problems of noise and disturbance associated with the appellant's business, the extension of opening hours sought would inevitably lead to customers coming and going late at night when background noise levels are likely to be lower and local residents are entitled to expect a reasonable level of tranquillity. Given the close proximity of a number of dwellings, the potential for noise and disturbance to affect the living conditions of those living nearby is therefore significant.
8. Although some of the other businesses in the parade may operate on Bank Holidays, it is likely that the overall level of activity outside the shops and along the street in general would be reduced on such days and the additional activity associated with the hot food takeaway would be noticeable. Again, I consider that those living in a predominantly residential area are entitled to expect a reasonable level of peace and quiet on Bank Holidays.
9. I note the appellant's argument that extended opening hours would assist the viability of the business and that there is competition from a mobile catering unit. I also note the support for extended opening hours from a significant number of local residents. However, these factors do not outweigh the harm that is likely to occur as a result of extended opening hours.
10. I find nothing in terms of the particular circumstances of the appeal that justify relaxing the current restrictions on opening hours therefore.

Conclusion

11. For the above reasons and taking account of other matters raised I find that condition No.4 is reasonable and necessary in order to protect the living conditions of the occupiers of nearby dwellings in relation to noise and disturbance and in the light of Policy S12 of the UDP and guidance within Section 9 of the SPG. I conclude therefore that the appeal should be dismissed.

Kevin Ward

INSPECTOR



Appeal Decision

Site visit made on 12 January 2010

by **Kevin Ward BA (Hons) MRTPI**

an Inspector appointed by the Secretary of State
for Communities and Local Government

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Decision date:
2 February 2010

Appeal Ref: APP/J4525/A/09/2115541

207 Chester Road, Sunderland, Tyne and Wear SR4 7TU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Christopher Davies against the decision of Sunderland City Council.
- The application Ref 09/01826/FUL, dated 13 May 2009, was refused by notice dated 7 July 2009.
- The development proposed is a change of use to mixed use for the purposes of retail and food preparation for consumption on and off the premises. ~~Construction of a 2-car garage.~~

Decision

1. I allow the appeal and grant planning permission for the change of use from A1 (Retail) to mixed use A1 (Retail) and A3 (Café) with double garage to the side at 207 Chester Road, Sunderland, Tyne and Wear SR4 7TU in accordance with the application Ref 09/01826/FUL, dated 13 May 2009, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the plans submitted with the application Ref 09/01826/FUL.
 - 3) The materials to be used in the construction of the external surfaces of the garage hereby permitted shall match those used in the existing building. Where matching materials are not available, no development shall take place until samples of the materials to be used have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Procedural Matter

2. The description of the proposed development set out in the heading above is taken from the application form. In the interests of clarity I have used the description set out in the Council's decision.

Main Issue

3. The main issue is the effect of the proposed development on highway safety.

Reasons

4. The ground floor of the appeal property is currently in use as a newsagent with an area of seating for the consumption of food and drinks purchased on the premises. Some outdoor seating is also provided in front of the premises. The Council accepts that the existing sale and consumption of food and drink is ancillary to the main retail use. Given the information submitted with the application, the Council appears to have assessed the proposal on the basis that it could result in an increase in the number of internal seats from 8 to 20. As the proposal relates to a change to mixed use, retaining some retailing, and taking account of the size of the premises, I consider that this is a reasonable basis to determine the potential increase in activity relating to the sale and consumption of food and drink.
5. There are parking restrictions along this stretch of Chester Road, including immediately outside the appeal property. At the time of my site visit I saw that on street parking was prevalent along the side streets, including on Grindon Terrace close to the appeal property, with little capacity to accommodate additional vehicles.
6. The Council's parking standards for A3 uses relate to either floorspace or the number of seats. The Council's appeal statement refers to a parking requirement for the A3 use of either 5 or 2.5 spaces. It is not clear from the information before me how the Council calculated the parking requirement of 5 spaces. Taking the parking standard of 1 space per 8 seats, the potential increase of 12 internal seats would result in an additional requirement for 1.5 spaces.
7. I agree with the Council that, given the configuration of the proposed garage and its door, it is unlikely to realistically accommodate more than one vehicle. The first floor of the appeal premises is currently used for storage. Whilst it may be that residential use could return I understand that there is no dedicated off street parking for the premises at present. The proposed garage would result in one additional off street parking space, regardless of the use of the first floor. I find therefore that, whilst not available for customers, the garage is likely to have some benefits in terms of reducing demand for on street parking in the immediate area.
8. I accept that the proposed change of use would be likely to result in increased demand for on street parking in the immediate area. However, the existing retail and ancillary A3 use of the premises is already likely to be generating demand for parking. I consider that the proposed increase in the internal space dedicated to A3 use is not such that it is likely to result in a significant increase in demand for on street parking compared with the existing situation. Furthermore, the increased demand would be offset to some extent by the provision of the garage. I note the Council's concern over potential parking along Chester Road. However, there is no evidence that the proposed change of use would increase the tendency to park in the restricted area to any significant extent compared with the existing use. In any case I see no reason to suggest that parking restrictions would not be enforced.

9. I find therefore that the proposed development is not likely to result in any significant adverse effect on highway safety and it is therefore in accordance with Policy T14 of the City of Sunderland Unitary Development Plan.
10. I note the Council's reference to an appeal decision relating to 177/179 Chester Road. I am not aware of the detailed circumstances that applied in the case of that appeal. However, it appears to have concerned an expansion of a hot food takeaway (A5 use) into an adjacent shop unit. The current proposal at No.207 involves the reconfiguration of the internal space of an existing unit to increase the proportion of A3 use whilst retaining A1 use, along with the provision of off street parking space in a garage. I have therefore considered the appeal on its own merits in the light of the particular circumstances that apply in this case.

Conditions

11. The Council has suggested conditions should the appeal be allowed. I agree that for the avoidance of doubt and in the interests of proper planning a condition to ensure that development is carried out in accordance with approved plans is necessary. I also agree that a condition to ensure that the materials of the proposed garage match those of the existing building is required in the interests of the character and appearance of the area.
12. The application is clear that an element of retail use would remain. Along with the size of the premises, this would inevitably limit the capacity of the A3 use and the amount of floorspace taken up by it. A marginal increase in the number of seats above the indicative figure of 20 would not in my view have any significant effect on highway safety. A condition to restrict the number of tables and seats would therefore be unnecessary and unduly onerous.

Conclusion

13. For the above reasons and taking account of other matters raised I conclude that the appeal should succeed.

Kevin Ward

INSPECTOR



Appeal Decision

The Planning Inspectorate
4/11 Eagle Wing
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Site visit made on 8 February 2010

by Kevin Ward BA (Hons) MRTPI

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an Inspector appointed by the Secretary of State
for Communities and Local Government

Decision date:
25 February 2010

Appeal Ref: APP/J4525/A/09/2118240

Unit 1, Tunstall Village Road, Silksworth, Sunderland, Wearside SR3 2AZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Martin Oppenheimer (Thrower Stone Group) against the decision of Sunderland City Council.
- The application Ref 09/03759/FUL, dated 4 October 2009, was refused by notice dated 27 November 2009.
- The development proposed is a change of use to hot food takeaway (Use Class A5).

RECEIVED
25 FEB 2010
SUNDERLAND CITY COUNCIL

Decision

1. I allow the appeal and grant planning permission for a change of use to hot food takeaway (Use Class A5) at Unit 1, Tunstall Village Road, Silksworth, Sunderland, Wearside SR3 2AZ in accordance with the terms of the application Ref 09/03759/FUL, dated 4 October 2009 and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) Notwithstanding any details shown on the approved plans, the use hereby permitted shall not take place until a scheme to control odours and fumes has been submitted to and approved in writing by the local planning authority and the scheme has been implemented. The equipment to control odours and fumes shall be thereafter retained as approved, operated during opening hours and maintained in accordance with the manufacturer's specifications.
 - 3) The use hereby permitted shall not take place outside the following times:
08.00 to 23.30 Hours

Main Issues

2. The main issues are the effects of the proposed change of use on:
 - a) The living conditions of the occupiers of nearby dwellings in terms of odours, noise and disturbance.
 - b) Highway safety.

Reasons

Living conditions

3. Policy S12 of the City of Sunderland Unitary Development Plan (UDP) allows for hot food takeaways in existing town and local centres and other appropriately located and accessible sites unless they have a detrimental effect on the environment, residential amenity and public or highway safety.
4. The Supplementary Planning Guidance: Development Control Guidelines (SPG) was subject to public consultation and formally adopted by the Council. It therefore carries significant weight. Section 9 of the SPG provides guidance on hot food takeaways and other uses which at the time were in Use Class A3. In predominantly residential areas, Paragraph 9.1a (ii) of the SPG seeks to avoid such uses in shopping parades of 10 or less units where the nearest dwellings are less than 50m away.
5. The appeal property sits within a parade of 4 units. The surrounding area is largely residential in character although this stretch of Tunstall Village Road itself has a mix of residential, commercial and community uses. There is a dwelling adjoining the appeal property and others within 50m.
6. I accept that the proposed change of use would be likely to increase the level of activity in front of the parade and in the immediate area, particularly in the evening. This would include some customers inevitably visiting the premises by car and parking in nearby residential streets.
7. However, there are two existing hot food takeaways in close proximity to the appeal property. One at the other end of the parade (Unit 4) and the other on the corner of Aline Street and the access road to the rear of the shop units and Londonderry Mews. I am not aware of any restrictions on the opening times of these other businesses and it appears that they remain open well into the evening. I have also taken account of the fact that an A1 use could be operated from the appeal property and that it was previously run as a video rental shop. Again I am not aware of any restrictions on the opening hours for an A1 use and it could potentially operate into the evening.
8. The existing hot food takeaways and an A1 use at the appeal property are therefore likely to generate a certain level of activity through the coming and going of customers and parking in nearby residential streets. This activity is already likely to extend well into the evening.
9. Furthermore, Tunstall Village Road appears to be reasonably well trafficked and is a bus route with a bus stop in front of Londonderry Mews. This is likely in itself to generate a degree of activity and background noise into the evening. In addition, the houses in Londonderry Mews are set back by some 9m from the frontage of the appeal property. I consider that this would reduce the impacts of any additional noise and disturbance from the proposed change of use.
10. I consider therefore that the additional activity associated with the proposed change of use is not likely to result in a noticeable increase in noise and disturbance to the occupiers of Londonderry Mews or other nearby properties

compared with the existing situation, particularly if opening hours are controlled through a condition. The application plans show an extraction outlet to the rear of the appeal property. This would be set back from the rear elevation of 5 Londonderry Mews however. In addition I see no reason why a system to adequately control odours and fumes could not be installed. This is a matter that can be dealt with by a condition.

11. I find that the proposed change of use would not cause any significant harm to the living conditions of the occupiers of nearby dwellings in terms of odours, noise and disturbance. In the light of the above I find that the particular circumstances of the appeal proposal justify departing from Paragraph 9.1a (ii) of the SPG, particularly given that the appeal premises appear to have been vacant for some considerable time.

Highway safety

12. There are parking restrictions in front of the appeal property along Tunstall Village Road and around the junction with Blind Lane and Aline Street. These prohibit parking at any time. However, on street parking is unrestricted further along Aline Street and the streets leading from it, including the access road to the rear of the shop units and Londonderry Mews. This rear access road is linked to Tunstall Village Road by a footpath running between Unit 4 of the parade and Marquis Court. In my view, there is adequate unrestricted space available on streets in close proximity to the appeal property to accommodate additional demand for parking as a result of the proposed change of use, particularly bearing in mind that an A1 use would itself generate some demand for parking.
13. I accept that parking near the junction on Tunstall Village Road and in the bus lay-by would have an adverse effect on highway safety and the effective operation of the bus stop. I also note the history of personal injury accidents in the vicinity of the junction. I acknowledge that some customers of the proposed hot food takeaway may be tempted to park in front of the appeal property. However, the parking restrictions are clear and I see no reason to suggest that they would not be enforced. In my view, it is likely that the availability of unrestricted on street parking nearby would be apparent to most of those familiar with the area. Furthermore, there is no substantive evidence that the proposed change of use would increase the tendency of customers to park in the restricted area to any significant extent compared with an A1 use.
14. I find therefore that the proposed change of use would not cause any significant harm to highway safety.

Conditions

15. The Council has suggested conditions should the appeal be allowed. I agree that given the information submitted with the application and in order to safeguard the living conditions of those occupying dwellings adjacent to the appeal property, a condition relating to a scheme to control odours and fumes is required. I have amended the suggested wording in the interests of clarity however.
16. I also agree that the operating hours of the hot food takeaway should be controlled in order to safeguard the living conditions of local residents.

However, in my view, requiring the use to cease operating at 21.00 hours on weekdays and 22.00 hours on Saturdays and Sundays would be unduly onerous and unnecessary given the apparent unrestricted opening hours of the existing hot food takeaways. Whilst I appreciate that the appellant has sought operating hours up to midnight, I have taken account of the guidance in the SPG which refers to premises ceasing to trade at 23.30 hours at the latest. I have therefore imposed a condition to this effect. The condition refers to the use permitted and as such covers all activities associated with it, including deliveries. A separate condition controlling the time of deliveries taken at or despatched from the premises is not therefore necessary.

Conclusion

17. For the above reasons and taking account of other matters raised I find that the proposed change of use complies with Policies B2, S12 and T14 of the UDP and Section 9 of the SPG. I conclude that the appeal should succeed.

Kevin Ward

INSPECTOR



Appeal Decision

Site visit made on 26 January 2010

by Louise Crosby MA MRTPI

an Inspector appointed by the Secretary of State
for Communities and Local Government

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Decision date:
3 February 2010

Appeal Ref: APP/J4525/D/09/2118275 28 Bishops Way, Sunderland, SR3 2SJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mrs J Hamilton against the decision of Sunderland City Council.
- The application Ref: 09/03527/FUL, dated 15 September 2009, was refused by notice dated 11 November 2009.
- The development proposed is extension to front of property.

Decision

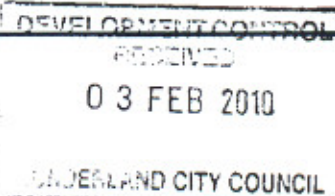
1. I dismiss the appeal.

Main issues

2. The main issues are the effect of the proposal on the character and appearance of the surrounding area and on living conditions at 1 Vicarsholme Close (No1) by reason of loss of outlook and overshadowing.

Reasons

3. No 28 is a detached dwelling located on the corner of Bishops Way and Vicarsholme Close. It is set back considerably from 30 Bishops Way (No 30), to the south, and positioned significantly forward of No 1, to the north. Also, Bishops Way gradually slopes up and I saw when I visited the site that the dwellings appeared to follow this gradual increase in height, thus No 30 appears higher than No 28.
4. The proposed two storey front extension would result in an increase in the depth of the dwelling of approximately 3 metres, thus bringing the whole of the front elevation almost in line with that of No 30. The nearby dwellings are clearly positioned in a stepped manner. Bringing this property closer to the road, to such a degree, would significantly alter this harmonious staggered effect and the resultant dwelling would appear unduly prominent and incongruous in the streetscene. This would be compounded by the proposed increase in height of about 0.8m, which would increase its prominence further. Consequently, I consider that the proposal as a result of its scale and mass would have a significant adverse effect on the character and appearance of the surrounding area.
5. Turning to consider the effect on living conditions at No 1, I saw that the front of this dwelling and its front garden area are already overshadowed and have their outlook reduced, to some degree, by No 28. The proposal would result in a much larger blank gable end abutting the boundary with No 1. I consider



that the level of projection, forward of No 1, would increase the level of overshadowing and loss of outlook to a significantly harmful degree. The overshadowing effect would be further compounded by the orientation of the dwellings, since No 28 is south of No 1. In my opinion, the proposal would have a major detrimental effect on living conditions at No 1.

6. For the reasons I have set out above, I find that the proposal would be contrary to Adopted City of Sunderland Unitary Development Plan (UDP) Policy B2 in so far as it seeks to ensure that the scale and massing of extensions to existing buildings respect and enhance the best qualities of nearby properties and the locality. Conflict would also arise with Section 3 of the Council's Supplementary Planning Guidance in so far as it advises that front extensions will normally be limited to a forward projection of 1.2 metres and that two storey front extensions will not be permitted.
7. The proposal would also conflict with the Council's Household Alterations and Extensions Supplementary Planning Document Consultation Draft (SPD), which encourages the positioning of extensions to the rear of dwellings, in order to reduce the visual impact on the street and discourages two storey front extensions and those which do not maintain the existing building line within the street. I realise that both of these latter documents are intended to provide design guidelines and that the SPD is only at draft stage and thus carries only very limited weight. Nevertheless, the proposal would fail to accord with both documents to a significant degree and also UDP Policy B2, which carries significant weight.
8. Moreover, the proposal would fail to accord with Planning Policy Statement 1: *Delivering Sustainable Development* in so far as it advises that 'good design should contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to take opportunities available for improving the character and quality of an area and the way it functions, should not be accepted'.
9. I have had regard to the other front extensions in the locality, which have been drawn to my attention. However, as the appellant accepts in her grounds of appeal, none of these are directly comparable with this proposal and, in any event; I have dealt with this case on its individual merits.
10. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Louise Crosby

INSPECTOR



Appeal Decision

Site visit made on 8 February 2010

by **Kevin Ward BA (Hons) MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

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Decision date:
16 February 2010

Appeal Ref: APP/J4525/D/09/2119058
12 Estuary Way, Sunderland SR4 0RS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr and Mrs Hagan against the decision of Sunderland City Council.
- The application Ref 09/02751/FUL, dated 22 July 2009, was refused by notice dated 24 September 2009.
- The development proposed is a conservatory to the rear.

DEVELOPMENT CONTROL RECEIVED
16 FEB 2010
SUNDERLAND CITY COUNCIL

Decision

1. I allow the appeal and grant planning permission for a conservatory to the rear at 12 Estuary Way, Sunderland SR4 0RS in accordance with the application Ref 09/02751/FUL, dated 22 July 2009, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the plans submitted with the application Ref 09/02751/FUL.

Main Issue

2. The main issue is the effect of the proposed conservatory on the living conditions of the occupiers of the appeal property in terms of daylight, sunlight, outlook and private amenity space.

Reasons

3. The Supplementary Planning Guidance: Development Control Guidelines (SPG) was subject to public consultation and formally adopted by the Council. It therefore carries significant weight. It appears from the information before me that the Supplementary Planning Document: Household Alterations and Extensions (SPD) has not been formally adopted by the Council following public consultation. Therefore whilst I have taken account of the Council's reference to Section 7 of this SPD, I can only give it relatively limited weight.
4. As a result of the previous extension to the appeal property, the remaining outdoor space to the rear is small. Furthermore it is very enclosed given the projection of the utility room, the high rear boundary wall and the garage to No.10. It offers little in terms of outlook and the amount of daylight and sunlight is likely to be significantly affected by the surrounding walls. Given the open plan nature of the front garden, the rear yard provides the only

secluded private amenity space for the dwelling. However, I find that given its size and the degree of enclosure, it is of limited benefit to the occupiers of the property. Whilst the outlook from the conservatory would be poor, it would be no worse than currently exists from the open yard. In comparison, the conservatory would at least provide some additional, usable space for the enjoyment of the occupiers of the property.

5. I accept that the conservatory would reduce the outlook from and the amount of daylight and sunlight entering the rooms to the rear of the property to some extent. However, as these are bedrooms I consider that this would not have a significant effect on living conditions.
6. The conservatory would be well screened and have a minimal effect on the overall perception of space around the dwelling from the surrounding area. It would not affect the character and appearance of the area, nor would it have any adverse effect on the living conditions of the occupiers of neighbouring dwellings.
7. I find therefore that the proposed conservatory would not represent an over-intensive development of the site. It would not have a significant adverse effect on the living conditions of the current or future occupiers of the appeal property in terms of daylight, sunlight, outlook and private amenity space.
8. I have considered the Council's argument that the appeal proposal could set an undesirable precedent. However, each application and appeal must be determined on its individual merits and I see no reason to suggest that my decision would set a precedent as the Council fear, particularly given the specific circumstances that exist with the appeal property in terms of its positioning in relation to other dwellings in the street and the extensions that have already taken place. In any case, I consider that the development does not harm the living conditions of the occupiers of the property or the character and appearance of the area.

Conditions

9. For the avoidance of doubt and in the interests of proper planning a condition to ensure that development is carried out in accordance with approved plans is necessary. Given that the appeal concerns a conservatory and the proposed materials are set out clearly on the application form, a condition relating to the use of materials to match the existing dwelling would be inappropriate and unnecessary.

Conclusion

10. For the above reasons and taking account of other matters raised I find that the proposed conservatory would accord with Policy B2 of the City of Sunderland Unitary Development Plan and relevant guidance in the SPG. I conclude that the appeal should succeed.

Kevin Ward

INSPECTOR