

**Development Control  
(South Sunderland & City Centre) Sub-Committee**

**SUPPLEMENT**

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<b>Number:</b>	S1
<b>Application Number:</b>	09/00329/LAP
<b>Proposal:</b>	New Pillars and entrance gate to existing pedestrian alley off Barnes Park Road. Replacement of existing palisade fencing with new fencing to match Barnes View Terrace
<b>Location:</b>	Barnes Park, Barnes Park Road, Sunderland

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Further to the main agenda report, consideration of residential amenity, highway and landscaping considerations have now been concluded and are considered acceptable.

**Residential Amenity Considerations**

The proposed works front onto Barnes Park Road and there are a number of residential properties which face this boundary of the Park. It is considered that as the vehicular and pedestrian access will remain as existing the implications arising from the development regarding residential amenity implications largely relate to visual amenity.

It is considered that as the proposed works contribute to the regeneration of Barnes Park, improves the appearance of this boundary and complements the boundary along Barnes View and Ettrick Grove the visual amenity of adjacent residents will be enhanced. Therefore the proposal accords with Policy B2 of the Unitary Development Plan (UDP).

Nevertheless, the public consultation period does not expire until the 20 February 2009 and as such if any representation is received they will be reported to Members at the DC Sub Committee.

### Highway Considerations

The proposed works will maintain the current highway network as existing and it is considered that there are no implications in regard to highway safety matters. Consequently, the proposal is considered to comply with Policy T14 of the UDP.

### Landscape Considerations

There are 10 trees proposed to be felled in the vicinity of the proposed works. However, the Arboricultural Method Statement (Ref: ARB/CP/362/AMS) submitted as part of the planning application states that the works subject to the planning application only requires the removal of one tree, a semi-mature, twin-stemmed ash (tree number 97), classified as a C2 tree.

A tree classified as C2 is considered to be of low quality and value, offering low or only temporary screening benefit. The submitted Arboricultural Method Statement considers that it should not be a constraint to development. Furthermore, the Local Planning Authority considers that there is no issue in terms of amenity value of tree 97 being lost. However, numerous trees will require crown lifting in order to create working room for the contractors and to ensure that branches are not damaged during the construction period.

It is considered that if Members are minded to approve the planning application, conditions can be imposed on any approval ensuring that the proposed works are carried out to the minimum British Standard and thus ensuring the development accords with Policy CN17 of the UDP.

### Ecological implications

It is considered that to ensure the proposed development does not have a negative impact on bio-diversity the recommendations, mitigation and enhancement sections of the ecological and bird risk assessments and phase one habitat survey should be conditioned so as to ensure their implementation. Furthermore, it is also considered necessary to include a further condition which stipulates that no works are to start on site until a work programme has been agreed in writing by the Local Planning Authority.

Consequently, subject to the imposition of relevant conditions the proposal is considered to comply with the requirements of policies CN18 and CN22 of the UDP and considered acceptable.

## Conclusion

Although the neighbour consultation period does not expire until the 20 February 2009, it is considered that the proposal is acceptable subject to the imposition of the relevant conditions discussed in the supplementary report. However, if any representations are received as a consequence of the ongoing consultation period a report for circulation will be presented to Members which will consider any issues raised.

### **RECOMMENDATION: GRANT CONSENT in accordance with regulation 3 of the Town and Country Planning General Regulations 1992, subject to the conditions set out below**

1. Before the development hereby approved is commenced a timetable for the implementation of the recommendation, mitigation and enhancement measures set out in Section 3 (Management Recommendations) of "Phase One Habitat Survey 2008", Sections D4 (Mitigation Requirements) & D5 (Recommendations for Further Survey) of "An Ecological Risk Assessment for Protected Species" and Section 6 (Recommendations and Mitigation) of "Bird Risk Assessment at Barnes Park 2008", all received 27 January 2009, shall be submitted to and approved in writing by the Local Planning Authority. Where the approved documentation specifies that further works are required these works shall be completed to the written satisfaction of the Local Planning Authority prior to any development commencing on site, unless otherwise first agreed in writing with the Local Planning Authority, in the interest of nature conservation and to achieve a satisfactory form of development on site and to comply with the requirements of Policies CN17, CN18 and CN22 of the adopted UDP.
2. A plan indicating the trees, their root protection zones and a scheme to protect them during the construction should be submitted to and approved in writing by the Local Planning Authority. The agreed works and protection shall be carried out before the development is commenced in the interests of visual amenity and to comply with policy CN17 of the approved UDP.
3. No development or other operations shall commence on site in connection with the development hereby approved, (including any tree felling, tree pruning, demolition, soil moving, temporary access construction and or widening, or any operations involving the use of motorised vehicles or construction machinery) until a detailed Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in complete accordance with the approved Method Statement. Such method statement shall include full detail of the following

Implementation, supervision and monitoring of the approved Tree Protection Scheme.

Implementation, supervision and monitoring of the approved Tree work Specification.

Implementation, supervision and monitoring of all approved construction works within any area designated as being fenced off or otherwise protected in the approved Tree Protection Scheme.

Timing and phasing of Arboricultural works in relation to the approved development.

4. 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.
5. 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.
6. 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.
7. Before the trees which are the subject of this application are felled, details of the location, size and species of the replacement planting shall be submitted to and agreed with the Local Planning Authority along with a

timescale for the replanting, in the interests of visual amenity and to comply with policy CN17 of the UDP.

8. 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 railings, gates and pillars 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.

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<b>Number:</b>	S2
<b>Application Number:</b>	09/00330/LAP
<b>Proposal:</b>	New pedestrian and vehicular access to Barnes Park from Ettrick Grove. Gates to match existing fence.
<b>Location:</b>	Barnes Park, Ettrick Grove, Sunderland

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Further to the main agenda report the consideration of residential amenity, highway, landscaping and ecological considerations have now been concluded and are considered acceptable.

#### Neighbour Consultation

There have been three letters of representation received in relation to this application. There were two objections to the tennis courts being replaced by a Multi Use Games Area (MUGA) and car park. However, it is important to highlight that the application under consideration relates only to the new pedestrian and vehicular access, although it is noted that this vehicular access incorporates a ramp down which vehicles will gain access to the proposed car park.

As the ramped access navigates an existing valley between Ettrick Grove and the proposed car park there are gradient implications that represent works which are over 200 cubic metres in volume and as such require planning permission courtesy of Class A, Part 12 of the Town and Country (General Permitted Development) Order (1995) (GDPO).

However, the proposed MUGA and car park are considered to be permitted development by virtue of Class A, Part 12 of the GDPO as there is an existing tennis court on the site of the proposed MUGA and car park. Therefore the volume of works required for the MUGA and car park is less than 200 cubic metres and involve no structures over 4m in height, whilst they are both ancillary to and required for the function of the Park.

Nevertheless, another representation queried the ground level of the car park and whether vehicles exiting would have a restricted view and whether a retaining wall would be required. In response to these concerns Drawing No. PO76B.347 / 090 illustrates that the car park level is only 0.2m higher than the existing tennis court and the section drawing indicates that there will only be a 0.2m difference between the road and car park levels. Moreover, the contours involved illustrate that a retaining wall will not be necessary as the ground levels graduate southwards into the Park from the proposed vehicular access.

Another representation objected on grounds of devaluation of property value as the proposal will become an eyesore. However, devaluation of property values is not a relevant material planning consideration, whilst visual amenity, which is discussed in the following residential amenity section of this report, is considered acceptable. The correspondent also objected to the loss of grass and trees. However, the vegetation lost to the vehicular access is limited, whilst the landscaping section of this report identifies and mitigates against the loss of trees.

In addition the correspondence also raised objection on grounds that the car park and MUGA will become a drinking venue for people at night. However, this issue relates to anti-social behaviour and as such is not a relevant material planning consideration. Nevertheless, the regeneration of Barnes Park has been evolved to eradicate the perception of unease felt by everyday users of the Park in an attempt to bring it more into public use.

### Residential Amenity Considerations

The proposed works front onto Ettrick Grove, where there are residential properties north of the application site. The nearest residential property, 14 Ettrick Gardens, is 23m north east of the vehicular access gates. Ettrick Gardens is a cul de sac which is orientated so that it runs in the opposite direction to Barnes Park. Directly opposite the proposed vehicular and pedestrian access points is the open space, known as Barnes Park South.

The proposed gates have been designed to specifically correspond with the existing boundary fence found along Ettrick Grove and as such it is considered that this mitigates any visual amenity impacts arising from the development. Furthermore, as is discussed in the landscaping section of this report, the majority of the planting found adjacent to the vehicular and pedestrian access points will remain, which further reduces the visual incursion of the development when viewed in relation to the existing street scene.

As has been explained previously the car park and MUGA do not require planning permission. Nevertheless, it is again worth noting that as the majority of the existing trees will be retained and that the car park and MUGA are at a lower ground level when compared to the adjacent highway and nearest residential properties, it is considered that these factors all contribute to the proposal having little visual impact on the adjacent residential properties.

Therefore as the proposed works contribute to the regeneration of Barnes Park with the gates being designed to complement the existing boundary fence, the visual amenity of adjacent residents is sufficiently protected and accordingly the proposal accords with Policy B2 of the Unitary Development Plan (UDP).

Nevertheless, the public consultation period does not expire until the 20 February 2009 and as such any further representations will be reported to Members at the DC Sub Committee.

### Highway Considerations

The new accesses to Ettrick Grove introduce a revised, and potentially increased, pedestrian movement across Ettrick Grove in the region of the new access.

There is an existing footpath leading west from Ettrick Grove that is opposite the proposed vehicular access, whilst the main pedestrian path in Barnes Park meets Ettrick Grove some way to the south. Despite there being a short length of pedestrian guardrail opposite the footpath on the west side, this is not sufficient to direct pedestrians to the new park gate to the south, and should be extended southwards to dissuade pedestrians walking directly into the car park.

The landscaping on the south side of the car park also needs to be modified to provide a safe and convenient link between the car park and the park footpath. In addition, the existing central hatching on Ettrick Grove needs extending southwards to accommodate a right turn bay into the car park. Therefore, if Members are minded to approve, appropriate conditions should be included requiring these additional modifications to be undertaken before development commences and as such will ensure that the proposal complies with Policy T14 of the UDP.

### Landscape Considerations

The submitted Arboricultural Method Statement explains that the majority of the trees within the vicinity of the vehicular and pedestrian entrances are category C2, signifying that their overriding value is landscape related. However, there are two category B trees, both of which are Sycamores, which require removal and although this is considered unfortunate, it is recognised that they are in the middle of the vehicular access point which necessitates their removal. Furthermore, it is considered that the loss of these trees can be mitigated with post-development planting, which if Members are minded to approve, could be incorporated as a planning condition.

Moreover the Sycamores visibility is currently limited due to the foliage of the neighbouring trees, whilst these two trees are not protected by Tree Preservation Orders. Therefore on balance it is considered that as the retained trees will maintain the visual amenity of this area of the Park the loss of the two sycamores is considered acceptable. In regard to the eight category C trees their classification indicates that they should not be viewed as a constraint to development and the two category R trees require removal on Arboricultural grounds.



However, the case officer visited the site with the City Council's Arboricultural Officer where it was recognised that this area will require careful consideration during construction works and as such if Members are minded to approve appropriate conditions should be included ensuring that the works are undertaken in light of the appropriate British Standard. With the imposition of such conditions the development is considered to accord with the aims of Policy CN17 of the UDP.

#### Ecological implications

It is considered that to ensure the proposed development does not have a negative impact on bio-diversity the recommendations, mitigation and enhancement sections of the ecological and bird risk assessments and phase one habitat survey should be conditioned so as to ensure their implementation. Furthermore, it is also considered necessary to include a further condition which stipulates that no works are to start on site until a work programme has been agreed in writing by the Local Planning Authority.

Consequently, subject to the imposition of relevant conditions the proposal is considered to comply with the requirements of policies CN18 and CN22 of the UDP and considered acceptable.

#### Conclusion

Although the neighbour consultation period does not expire until the 20 February 2009, it is considered that the proposal is acceptable subject to the imposition of the relevant conditions discussed in the supplementary report. However, if any representations are received as a consequence of the ongoing consultation period a report for circulation will be presented to Members which will consider any issues raised.

**RECOMMENDATION: GRANT CONSENT in accordance with regulation 3 of the Town and Country Planning General Regulations 1992, subject to the conditions set out below**

1. Before the development hereby approved is commenced a timetable for the implementation of the recommendation, mitigation and enhancement measures set out in Section 3 (Management Recommendations) of "Phase One Habitat Survey 2008", Sections D4 (Mitigation Requirements) & D5 (Recommendations for Further Survey) of "An Ecological Risk Assessment for Protected Species" and Section 6 (Recommendations and Mitigation) of "Bird Risk Assessment at Barnes Park 2008", all received 27 January 2009, shall be submitted to and approved in writing by the Local Planning Authority. Where the approved documentation specifies that further works are required these works shall be completed to the written

satisfaction of the Local Planning Authority prior to any development commencing on site, unless otherwise first agreed in writing with the Local Planning Authority, in the interest of nature conservation and to achieve a satisfactory form of development on site and to comply with the requirements of Policies CN17, CN18 and CN22 of the adopted UDP.

- 2 A plan indicating the trees, their root protection zones and a scheme to protect them during the construction should be submitted to and approved in writing by the Local Planning Authority. The agreed works and protection shall be carried out before the development is commenced in the interests of visual amenity and to comply with policy CN17 of the approved UDP.
3. No development or other operations shall commence on site in connection with the development hereby approved, (including any tree felling, tree pruning, demolition, soil moving, temporary access construction and or widening, or any operations involving the use of motorised vehicles or construction machinery) until a detailed Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in complete accordance with the approved Method Statement. Such method statement shall include full detail of the following

Implementation, supervision and monitoring of the approved Tree Protection Scheme.

Implementation, supervision and monitoring of the approved Tree work Specification.

Implementation, supervision and monitoring of all approved construction works within any area designated as being fenced off or otherwise protected in the approved Tree Protection Scheme.

Timing and phasing of Arboricultural works in relation to the approved development.

4. 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.

5. 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.
6. 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.
7. Before the trees which are the subject of this application are felled, details of the location, size and species of the replacement planting shall be submitted to and agreed with the Local Planning Authority along with a timescale for the replanting, in the interests of visual amenity and to comply with policy CN17 of the UDP.
8. 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 railings and gates 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.
9. Before the development hereby approved is commenced the details of the extension of the pedestrian guardrail on the west side of Ettrick Grove and landscaping on the south side of the Ettrick Grove car park, which should be designed to dissuade pedestrians walking directly into the car park, shall be submitted to and approved in writing by the Local Planning Authority. All works shall be carried out in accordance with the approved details; in the interest of highway safety and to comply with Policies T14 and T23 of the UDP.

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<b>Number:</b>	S3
<b>Application Number:</b>	09/00331/LAP
<b>Proposal:</b>	Erection of disabled toilet block / changing unit within Barnes Park
<b>Location:</b>	Barnes Park, Ettrick Grove, Sunderland

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Further to the main agenda report the consideration of highway, landscaping and ecological considerations have now been concluded and are considered acceptable.

#### Highway Considerations

The proposed works will maintain the current highway network as existing and it is considered that there are no implications in regard to highway safety matters. Consequently, the proposal is considered to comply with Policy T14 of the UDP.

#### Landscape Considerations

The construction of the proposed changing facilities will require the removal of eleven trees, six of which are category C and five are category B. The submitted Arboricultural Method Statement explains that although such tree loss is unfortunate, the building being placed elsewhere within this section would have a greater impact on an increased number of category B trees. In addition to the tree loss required for the development, two additional trees within the immediate area should be removed in the interests of health & safety.

The case officer visited the site with the City Council's Arboricultural Officer who advised that there is no objection to the removal of the trees subject to ensuring that the remaining trees are protected and that all Arboricultural works are carried out to the relevant British Standard.

In regard to the loss of the eleven trees it is considered that the visual amenity of this area of the park will not be unduly impacted to warrant refusal of planning permission due to the majority of trees surrounding the development being retained, thereby ensuring the existing landscaped and leafy appearance of this area of the Park is maintained. Furthermore, the loss of trees will also be mitigated with post-development planting, which if Members are minded to approve, could be incorporated as a planning condition.

Therefore, Members are advised that it is considered that the proposal is acceptable subject to the imposition of relevant conditions and as such complies with Policy CN17 of the UDP.

#### Ecological implications

It is considered that to ensure the proposed development does not have a negative impact on bio-diversity the recommendations, mitigation and enhancement sections of the ecological and bird risk assessments and phase one habitat survey should be conditioned so as to ensure their implementation. Furthermore, it is also considered necessary to include a further condition which stipulates that no works are to start on site until a work programme has been agreed in writing by the Local Planning Authority.

Consequently, subject to the imposition of relevant conditions the proposal is considered to comply with the requirements of policies CN18 and CN22 of the UDP and considered acceptable.

#### Conclusion

Although the neighbour consultation period does not expire until the 20 February 2009, it is considered that the proposal is acceptable subject to the imposition of the relevant conditions discussed in the supplementary report. However, if any representations are received as a consequence of the ongoing consultation period a report for circulation will be presented to Members which will consider any issues raised.

**RECOMMENDATION: GRANT CONSENT in accordance with regulation 3 of the Town and Country Planning General Regulations 1992, subject to the conditions set out below**

1. Before the development hereby approved is commenced a timetable for the implementation of the recommendation, mitigation and enhancement measures set out in Section 3 (Management Recommendations) of "Phase One Habitat Survey 2008", Sections D4 (Mitigation Requirements) & D5 (Recommendations for Further Survey) of "An Ecological Risk Assessment for Protected Species" and Section 6 (Recommendations and Mitigation) of "Bird Risk Assessment at Barnes Park 2008", all received 27 January 2009, shall be submitted to and approved in writing by the Local Planning Authority. Where the approved documentation specifies that further works are required these works shall be completed to the written satisfaction of the Local Planning Authority prior to any development commencing on site, unless otherwise first agreed in writing with the Local Planning Authority, in the interest of nature conservation and to achieve a

satisfactory form of development on site and to comply with the requirements of Policies CN17, CN18 and CN22 of the adopted UDP.

- 2 A plan indicating the trees, their root protection zones and a scheme to protect them during the construction should be submitted to and approved in writing by the Local Planning Authority. The agreed works and protection shall be carried out before the development is commenced in the interests of visual amenity and to comply with policy CN17 of the approved UDP.
3. No development or other operations shall commence on site in connection with the development hereby approved, (including any tree felling, tree pruning, demolition, soil moving, temporary access construction and or widening, or any operations involving the use of motorised vehicles or construction machinery) until a detailed Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in complete accordance with the approved Method Statement. Such method statement shall include full detail of the following

Implementation, supervision and monitoring of the approved Tree Protection Scheme.

Implementation, supervision and monitoring of the approved Tree work Specification.

Implementation, supervision and monitoring of all approved construction works within any area designated as being fenced off or otherwise protected in the approved Tree Protection Scheme.

Timing and phasing of Arboricultural works in relation to the approved development.

4. 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.

5. 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.
6. 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.
7. Before the trees which are the subject of this application are felled, details of the location, size and species of the replacement planting shall be submitted to and agreed with the Local Planning Authority along with a timescale for the replanting, in the interests of visual amenity and to comply with policy CN17 of the UDP.
8. 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.

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<b>Number:</b>	S4
<b>Application Number:</b>	09/00332/LAP
<b>Proposal:</b>	Installation of new staircase to existing embankment on land formerly within the former depot centre (Amended Description 28.1.09)
<b>Location:</b>	Barnes Park, Ettrick Grove, Sunderland

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Further to the main agenda report the consideration of residential amenity, highway, landscaping and ecological considerations have now been concluded and are considered acceptable.

#### Neighbour consultation

One letter of representation has been received objecting to the proposal due to concerns regarding the associated impacts of the relocation of the depot centre to Barnes Park South and that the money used could be more appropriately spent on regenerating the existing depot centre. However, one of the fundamental aims of regenerating Barnes Park is to encourage people to stay and spend leisure time as well as providing space for the public to use as a thoroughfare. Furthermore, it was also recognised that the extent of the trees within the Park contributes to the feeling of unease and isolation of users as views are restricted.

In this context the proposed staircase contributes to the opening up of the Park, provides for a key pedestrian link through the Park and opens up a key vista to the listed Bandstand, which is subject to a current Listed Building Consent; please see Ref 08/00333/LAL. Furthermore, the existing depot centre creates conflict between pedestrian users and vehicles entering and leaving the centre and driving through the Park.

Consequently the removal of the depot centre is critical to the regeneration of Barnes Park, whilst basing a refusal on the relocation of the depot centre to Barnes Park South is unsustainable at appeal. Any relocation of the depot centre would require planning permission in its own right, whilst a recent planning application was withdrawn on the 18 December 2008 for a depot centre in Barnes Park South due to concerns regarding the proposal, please see Ref: 08/03328/LAP.



## Residential amenity

The proposed staircase is located well within the middle of Barnes Park. The properties with Barnes View face towards the northern boundary and hence have views into the middle of the Park. However, courtesy of the varied topography and due to the number of mature trees which abut the Park's northern boundary the view of the staircase is mitigated and as such the development is considered to present no adverse residential amenity impacts. The proposal is therefore considered acceptable and in accordance with Policy B2 of the Unitary Development Plan (UDP).

## Highway Considerations

It is considered that there are no adverse impacts arising from the development in respect to pedestrian and highway safety and the proposal complies with Policy T14 and SA48(3) of the UDP.

## Landscape Considerations

The submitted Arboricultural Method Statement explains that the proposed location of the grand staircase necessitates the removal of numerous trees, which fall within categories B, C & R. All of the category B trees have the subcategory of 2 which signifies that the overriding value is landscape related e.g. part of a wooded feature, but individually it may be awarded a lesser category. Category B trees should ordinarily be retained where possible. Category C trees, although in a condition whereby they could be retained in the short-term, are such that they should not be viewed as a constraint to development. Category R trees are of a condition whereby they should be removed pre-development.

In regard to the category B and C trees it is considered that their loss can be mitigated with post-development planting in the vicinity of the grand staircase, which if Members are minded to approve, could be incorporated as a planning condition.

It is worth noting that the Arboricultural Method Statement recognised the existence of a small gap within this wooded area, 15m from the proposed location of the staircase, which has opened up due to the failure of a number of trees. It was considered to exploit this opening by siting the staircase in this location, however, this was discounted on the grounds that the staircase would not line up with the intended vista through to the Bandstand, which is currently being considered for Listed Building Consent (Ref: 09/00333/LAL).

Furthermore, the case officer visited the site with the City Council's Arboricultural Officer and there is no objection to the removal of the trees subject to ensuring

that the remaining trees are protected and that all Arboricultural works are carried out to the relevant British Standard.

Therefore, if Members are minded to approve, it is considered that the proposal is acceptable subject to the imposition of relevant conditions and as such complies with Policy CN17 of the UDP.

#### Ecological implications

It is considered that to ensure the proposed development does not have a negative impact on bio-diversity the recommendations, mitigation and enhancement sections of the ecological and bird risk assessments and phase one habitat survey should be conditioned so as to ensure their implementation. Furthermore, it is also considered necessary to include a further condition which stipulates that no works are to start on site until a work programme has been agreed in writing by the Local Planning Authority.

Consequently, subject to the imposition of relevant conditions the proposal is considered to comply with the requirements of policies CN18 and CN22 of the UDP and considered acceptable.

#### Conclusion

Although the neighbour consultation period does not expire until the 20 February 2009, it is considered that the proposal is acceptable subject to the imposition of the relevant conditions discussed in this report. However, if any representations are received as a consequence of the ongoing consultation period a report for circulation will be presented to Members which will consider any issues raised.

**RECOMMENDATION: GRANT CONSENT in accordance with regulation 3 of the Town and Country Planning General Regulations 1992, subject to the conditions set out below**

1. Before the development hereby approved is commenced a timetable for the implementation of the recommendation, mitigation and enhancement measures set out in Section 3 (Management Recommendations) of "Phase One Habitat Survey 2008", Sections D4 (Mitigation Requirements) & D5 (Recommendations for Further Survey) of "An Ecological Risk Assessment for Protected Species" and Section 6 (Recommendations and Mitigation) of "Bird Risk Assessment at Barnes Park 2008", all received 27 January 2009, shall be submitted to and approved in writing by the Local Planning Authority. Where the approved documentation specifies that further works are required these works shall be completed to the written satisfaction of the Local Planning Authority prior to any development commencing on site, unless otherwise first agreed in writing with the Local

Planning Authority, in the interest of nature conservation and to achieve a satisfactory form of development on site and to comply with the requirements of Policies CN17, CN18 and CN22 of the adopted UDP.

- 2 A plan indicating the trees, their root protection zones and a scheme to protect them during the construction should be submitted to and approved in writing by the Local Planning Authority. The agreed works and protection shall be carried out before the development is commenced in the interests of visual amenity and to comply with policy CN17 of the approved UDP.
3. No development or other operations shall commence on site in connection with the development hereby approved, (including any tree felling, tree pruning, demolition, soil moving, temporary access construction and or widening, or any operations involving the use of motorised vehicles or construction machinery) until a detailed Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in complete accordance with the approved Method Statement. Such method statement shall include full detail of the following

Implementation, supervision and monitoring of the approved Tree Protection Scheme.

Implementation, supervision and monitoring of the approved Tree work Specification.

Implementation, supervision and monitoring of all approved construction works within any area designated as being fenced off or otherwise protected in the approved Tree Protection Scheme.

Timing and phasing of Arboricultural works in relation to the approved development.

4. 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.

5. 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.
6. 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.
7. Before the trees which are the subject of this application are felled, details of the location, size and species of the replacement planting shall be submitted to and agreed with the Local Planning Authority along with a timescale for the replanting, in the interests of visual amenity and to comply with policy CN17 of the UDP.
8. 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, railings and steps 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.

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<b>Number:</b>	S5
<b>Application Number:</b>	09/00333/LAL
<b>Proposal:</b>	Restoration of existing bandstand
<b>Location:</b>	Barnes Park, Ettrick Grove, Sunderland

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Further to the main agenda report the consideration of highway, ecological and landscape considerations have now been concluded and are considered acceptable.

#### Highway considerations

The proposed works will maintain the current highway network as existing and it is considered that there are no implications in regard to highway safety matters. Consequently, the proposal is considered to comply with Policy T14 of the Unitary Development Plan (UDP).

#### Landscape considerations

The submitted Arboricultural Method Statement explains that the proposed restoration works to the bandstand should not affect the trees within its vicinity. Trees 749 – 751, all mature pine, overhang the hard-surfaced area to the south of the bandstand and may require crown lifting to provide working room. A number of trees are in positions which are potentially vulnerable to impacts from works traffic and as such will require protective fencing to be erected. Therefore it is considered appropriate to ensure that the implications arising from the works and associated works traffic should be included as a condition should Members be minded to approve the application. This will ensure that the proposal is acceptable and accords with Policy CN17 of the UDP.

#### Ecological considerations

#### Ecological considerations

It is considered that to ensure the proposed development does not have a negative impact on bio-diversity the recommendations, mitigation and enhancement sections of the ecological and bird risk assessments and phase one habitat survey should be conditioned so as to ensure their implementation. Furthermore, it is also considered necessary to include a further condition which stipulates that no works are to start on site until a work programme has been agreed in writing by the Local Planning Authority.

Consequently, subject to the imposition of relevant conditions the proposal is considered to comply with the requirements of policies CN18 and CN22 of the UDP and considered acceptable.

## Conclusion

Although the neighbour consultation period does not expire until the 20 February 2009, it is considered that the proposal is acceptable subject to the imposition of the relevant conditions discussed in the supplementary report. However, if any representations are received as a consequence of the ongoing consultation period a report for circulation will be presented to Members which will consider any issues raised.

In view of the City Council's ownership of the Listed structure Members are recommended to be minded to approve the application and that the application be referred to the Secretary of State for Communities and Local Government in accordance with regulation 13 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990.

## **Recommendation:**

That a) Members be minded to approve the application subject to the conditions set out below; and

b) The application be referred to the Secretary of State for Communities and Local Government in accordance with regulation 13 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990.

1. Before the development hereby approved is commenced a timetable for the implementation of the recommendation, mitigation and enhancement measures set out in Section 3 (Management Recommendations) of "Phase One Habitat Survey 2008", Sections D4 (Mitigation Requirements) & D5 (Recommendations for Further Survey) of "An Ecological Risk Assessment for Protected Species" and Section 6 (Recommendations and Mitigation) of "Bird Risk Assessment at Barnes Park 2008", all received 27 January 2009, shall be submitted to and approved in writing by the Local Planning Authority. Where the approved documentation specifies that further works are required these works shall be completed to the written satisfaction of the Local Planning Authority prior to any development commencing on site, unless otherwise first agreed in writing with the Local Planning Authority, in the interest of nature conservation and to achieve a satisfactory form of development on site and to comply with the requirements of Policies CN17, CN18 and CN22 of the adopted UDP.
- 2 A plan indicating the trees, their root protection zones and a scheme to protect them during the construction should be submitted to and approved in writing by the Local Planning Authority. The agreed works and

protection shall be carried out before the development is commenced in the interests of visual amenity and to comply with policy CN17 of the approved UDP.

3. No development or other operations shall commence on site in connection with the development hereby approved, (including any tree felling, tree pruning, demolition, soil moving, temporary access construction and or widening, or any operations involving the use of motorised vehicles or construction machinery) until a detailed Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in complete accordance with the approved Method Statement. Such method statement shall include full detail of the following

Implementation, supervision and monitoring of the approved Tree Protection Scheme.

Implementation, supervision and monitoring of the approved Tree work Specification.

Implementation, supervision and monitoring of all approved construction works within any area designated as being fenced off or otherwise protected in the approved Tree Protection Scheme.

Timing and phasing of Arboricultural works in relation to the approved development.

4. 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.
5. 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.

6. 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.
7. Before the trees which are the subject of this application are felled, details of the location, size and species of the replacement planting shall be submitted to and agreed with the Local Planning Authority along with a timescale for the replanting, in the interests of visual amenity and to comply with policy CN17 of the UDP.
8. 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 the proposed access ramp and handrail, the surrounding surface materials and any works to the existing structure, including agreement of the final colour and type of paint to be used 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 Policies B2 and B10 of the UDP.



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<b>Number:</b>	S6
<b>Application Number:</b>	09/00334/LAL
<b>Proposal:</b>	Restoration of existing piers and railings, replacement of existing gates with a style in keeping with the original gates on Durham Road entrance to Barnes Park.
<b>Location:</b>	Barnes Park, Ettrick Grove, Sunderland

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Further to the main agenda report the consideration of highway, ecological and landscape considerations have now been concluded and are considered acceptable.

#### Highway Considerations

The proposed works will maintain the current highway network as existing and it is considered that there are no implications in regard to highway safety matters. Consequently, the proposal is considered to comply with Policy T14 of the Unitary Development Plan (UDP).

#### Ecological implications

It is considered that to ensure the proposed development does not have a negative impact on bio-diversity the recommendations, mitigation and enhancement sections of the ecological and bird risk assessments and phase one habitat survey should be conditioned so as to ensure their implementation. Furthermore, it is also considered necessary to include a further condition which stipulates that no works are to start on site until a work programme has been agreed in writing by the Local Planning Authority.

Consequently, subject to the imposition of relevant conditions the proposal is considered to comply with the requirements of policies CN18 and CN22 of the UDP and considered acceptable.

#### Landscape Considerations

The submitted Arboricultural Method Statement explains that the majority of the trees surrounding the Durham Road entrance were classified as category B2. There is also one category A2 tree, five category C2 trees and one category R tree. The subcategory of 2 signifies that the overriding value is landscape related

e.g. the tree is part of a wooded feature, but individually it may have been awarded a lesser category.

Category A and B trees should ordinarily be retained where possible, whilst category C trees, although in a condition whereby they could be retained in the short-term, are such that they should not be viewed as a constraint to development. Category R trees are of a condition whereby they should be removed pre-development.

In regard to the works required to replace the gates and restore the fence it is only considered that it requires the removal / heavy pruning of one tree, a mature cotoneaster (tree number 1267), classified as category C2 and as such is not considered to be a constraint to development.

However, it has been recognised in the Arboricultural Method Statement that the removal and paving of the existing flower beds to the front of the entrance gates is likely to result in the loss of root tissue of a number of trees. Although these works are considered to be permitted development by virtue of Class A, Part 12 of the Town and Country (General Permitted Development) Order (1995) (GDPO), as they affect the setting of a Grade II Listed structure, it is considered appropriate to control the loss of these trees.

Moreover, as these trees are to be removed to improve sightlines into the Park for aesthetic and security reasons, it is considered appropriate to mitigate the loss of these largely young to semi-mature trees with planting elsewhere within this section of the Park. Furthermore, the case officer visited the site with the City Council's Arboricultural Officer and there is no objection to the removal of the trees subject to ensuring that the remaining trees are protected and that all Arboricultural works are carried out to the relevant British Standard.

Therefore, if Members are minded to approve, it is considered that the proposal is acceptable subject to the imposition of relevant conditions and as such complies with Policy CN17 of the UDP.

## Conclusion

Although the neighbour consultation period does not expire until the 20 February 2009, it is considered that the proposal is acceptable subject to the imposition of the relevant conditions discussed in the supplementary report. However, if any representations are received as a consequence of the ongoing consultation period a report for circulation will be presented to Members which will consider any issues raised.

In view of the City Council's ownership of the Listed structure Members are recommended to be minded to approve the application and that the application be referred to the Secretary of State for Communities and Local Government in

accordance with regulation 13 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990.

**Recommendation:**

That a) Members be minded to approve the application subject to the conditions set out below; and

b) The application be referred to the Secretary of State for Communities and Local Government in accordance with regulation 13 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990.

1. Before the development hereby approved is commenced a timetable for the implementation of the recommendation, mitigation and enhancement measures set out in Section 3 (Management Recommendations) of "Phase One Habitat Survey 2008", Sections D4 (Mitigation Requirements) & D5 (Recommendations for Further Survey) of "An Ecological Risk Assessment for Protected Species" and Section 6 (Recommendations and Mitigation) of "Bird Risk Assessment at Barnes Park 2008", all received 27 January 2009, shall be submitted to and approved in writing by the Local Planning Authority. Where the approved documentation specifies that further works are required these works shall be completed to the written satisfaction of the Local Planning Authority prior to any development commencing on site, unless otherwise first agreed in writing with the Local Planning Authority, in the interest of nature conservation and to achieve a satisfactory form of development on site and to comply with the requirements of Policies CN17, CN18 and CN22 of the adopted UDP.
2. A plan indicating the trees, their root protection zones and a scheme to protect them during the construction should be submitted to and approved in writing by the Local Planning Authority. The agreed works and protection shall be carried out before the development is commenced in the interests of visual amenity and to comply with policy CN17 of the approved UDP.
3. No development or other operations shall commence on site in connection with the development hereby approved, (including any tree felling, tree pruning, demolition, soil moving, temporary access construction and or widening, or any operations involving the use of motorised vehicles or construction machinery) until a detailed Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in complete accordance with the approved Method Statement. Such method statement shall include full detail of the following

Implementation, supervision and monitoring of the approved Tree Protection Scheme.

Implementation, supervision and monitoring of the approved Tree work Specification.

Implementation, supervision and monitoring of all approved construction works within any area designated as being fenced off or otherwise protected in the approved Tree Protection Scheme.

Timing and phasing of Arboricultural works in relation to the approved development.

4. 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.
5. 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.
6. 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.
7. Before the trees which are the subject of this application are felled, details of the location, size and species of the replacement planting shall be submitted to and agreed with the Local Planning Authority along with a timescale for the replanting, in the interests of visual amenity and to comply with policy CN17 of the UDP.

8. 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 gates and pillars, including the final colour of the gates and railings, 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 Policies B2 and B10 of the UDP.
9. Before the development hereby approved is commenced precise details of the stone and metalwork detailing to be undertaken shall be submitted to and approved in writing by the Local Planning Authority, these details shall include precise details of the qualifications of the contractor appointed to undertake the work. The approved works shall then be undertaken by the approved specialist unless otherwise first agreed in writing with the LPA. In the interests of achieving a satisfactory form of development on site and to protect the historic fabric of a listed structure and to comply with the requirements of Policies B2 and B10 of the UDP.