

**Development Control (North Sunderland)
Sub-Committee**

25 November 2008

REPORTS FOR CIRCULATION

**REPORT BY DIRECTOR OF DEVELOPMENT AND REGENERATION
SERVICES**

PURPOSE OF REPORT

This report is circulated to the Sub Committee Meeting. It includes additional information received after the preparation of both the report on applications and the supplement. This information may allow a revised recommendation to be made.

LIST OF CIRCULATED ITEMS

Applications for the following sites are included in this report.

North Sunderland

1. Land off Kingsway Road, Sunderland

Development Control (North Sunderland)
Sub-Committee

REPORT FOR CIRCULATION

Number:	1
Application Number:	08/03346/FUL
Proposal:	Proposed 50 bedroom nursing home with ancillary accommodation & staff/ visitor parking.
Location:	Land off Kingsway Road, Sunderland

The right of way issue has now been given further consideration and officer views are set out below.

Right of Way

The agent has submitted evidence which confirms the applicant owns the land forming the planning application bar the adopted public footpath (north-west corner). The Site Layout plan indicates the existing accesses to the properties of Ravenswood Road will remain as part of the layout of the proposed nursing home.

The previous approval (06/04922/FUL) included a condition which stipulated these access points should be laid out in accordance with the proposed plans. However, on further reflection it is considered that it is unreasonable to impose such a condition as it fails to meet at least two of the six tests for conditions as laid out in the Government Circular 11/95: The Use of Conditions in Planning Permission (20 July 1995). In particular, it is not considered that the application would be refused without the imposition of the condition and that it is unreasonable.

In this case it is considered that the existing resident's access points are taken from land not in their ownership. The LPA could not reasonably enforce the applicant to provide these access points across his land and there are no recorded definitive public rights of way on the site, or any claims for these at present. The retention of the accesses to properties in Ravenswood Road may constrain servicing facilities but would not raise highway safety issues.

Consequently, the issue of maintaining the access points in the absence of a highway safety consideration is a civil matter which needs to be resolved between the applicant and existing residents and consequently there will be no condition stipulating as such irrespective of planning approval 06/04922/FUL.

Conclusion

The proposed nursing home is considered to be of suitable design which will have an acceptable impact in terms of residential amenity, whilst also being reasonable in respect to highway safety considerations.

RECOMMENDATION: APPROVE, subject to the conditions set out below.

Conditions:

1. Three Years
 2. Scheme of Working
 3. Boundary Enclosures
 4. Dirt and Debris
 5. Hours of Construction
 6. Surface Water
 7. Submit Materials
 8. Landscaping 1
 9. Landscaping 2
 10. Replacement of Trees
 11. Hour of deliveries
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1. The development to which this permission relates must be begun not later than three years beginning with the date on which permission is granted, to ensure that the development is carried out within a reasonable period of time.
 2. No 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.
 3. Notwithstanding any specifications on the submitted plans details and layouts 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.

4. 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.
5. The construction works required for the development hereby approved shall only be carried out between the hours of 08.00 and 18.00 Monday to Friday and between the hours of 08.00 and 13.00 on Saturdays and at no time on Sundays or Bank Holidays in order to protect the amenities of the area and to comply with policy B2 of the UDP.
6. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through gullies installed in accordance with a scheme previously submitted to and approved in writing by the Local Planning Authority and in order to comply policy B24 of the UDP.
7. 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 roads and walkways, open spaces or individual buildings, including external surfaces, 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. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping and treatment of hard surfaces which shall include indications of all existing trees and hedgerows on the land, and details for their protection during the course of development, in the interests of visual amenity and to comply with policy B2 and CN23 of the UDP.
9. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the buildings or the completion of the development whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or

become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation, in the interests of visual amenity and to comply with policies B2 and CN23 of the UDP.

10. 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 policies CN17 and CN23 of the UDP.
11. No deliveries shall be taken at or despatched from the site outside the hours of 7am and 6pm; nor at any time on Sundays, Bank or Public Holidays to ensure that nearby properties are not adversely affected by the development and that highway safety is not compromised and to comply with policy B2 of the UDP.