

**DEVELOPMENT CONTROL (SOUTH SUNDERLAND)
SUB-COMMITTEE**

AGENDA

**Meeting to be held in Committee Room No. 6 on Tuesday 1st
October, 2013 at 4.45 p.m.**

ITEM		PAGE
1.	Receipt of Declarations of Interest (if any)	
2.	Apologies for Absence	
3.	Applications made under the Town and Country Planning Acts and Regulations made thereunder Report of the Deputy Chief Executive (copy herewith).	1
4.	Town and Country Planning Act 1990 – Appeals Report of the Deputy Chief Executive (copy herewith).	37

**E. WAUGH,
Head of Law & Governance.**

Civic Centre,
SUNDERLAND.

23rd September, 2013

Item 3

Development Control (South Sunderland) Sub-Committee

1 October 2013

REPORT ON APPLICATIONS

REPORT BY THE 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 & City Centre Area

1. Former Cornings Site Deptford Terrace Sunderland
2. Land At Mill Hill Road Doxford Park Sunderland
3. Land Off Burdon Road Adjacent To The Fold Burdon Road Tunstall Sunderland
4. Grindon Hall Christian School Grindon Hall Nookside Sunderland

COMMITTEE ROLE

The Sub Committee has full delegated powers to determine applications on this list. Members of the Council who have queries or observations on any application should, in advance of the above date, contact the Sub Committee Chairman or email Development Control dc@sunderland.gov.uk

DEVELOPMENT PLAN

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

Unitary Development Plan - current status

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

STANDARD CONDITIONS

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

SITE PLANS

The site plans included in each report are illustrative only.

PUBLICITY/CONSULTATIONS

The reports identify if site notices, press notices and/or neighbour notification have been undertaken. In all cases the consultations and publicity have been carried out in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2010

LOCAL GOVERNMENT ACT 1972 – ACCESS TO INFORMATION

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

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

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

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

Janet Johnson
Deputy Chief Executive

Reference No.: 11/00917/OUT Outline Application

Proposal: Outline planning application with all matters reserved to provide for one or more of the following land uses: B1 (a) offices; Class C3 residential; Class C1 hotel; Class C2 residential institutions; Class D1 non residential institutions; Class D2 leisure; Class A1-A5 retail; and sui generis car showroom use. Such development to include: highways and public transport facilities; vehicle parking; laying out of open space; landscaping; groundworks; drainage works; provision and/or upgrade of services and related media and apparatus; and miscellaneous ancillary and associated engineering and other operations. (Amended plans received 29 May 2013 and 25 June 2013).

Location: Former Cornings Site Deptford Terrace Sunderland SR4 6DD

Ward: Millfield

Applicant: Cowie Properties LLP And Landid Property
(Sunderland) LIM

Date Valid: 22 March 2011

Target Date: 21 June 2011

PROPOSAL:

Outline planning permission (with all matters reserved) is sought for one or more of the following land uses: B1 (a) offices; Class C3 residential; Class C1 hotel; Class C2 residential institutions; Class D1 non residential institutions; Class D2 leisure; Class A1-A5 retail; and sui generis car showroom use. Such development to include: highways and public transport facilities; vehicle parking; laying out of open space; landscaping; groundworks; drainage works; provision and/or upgrade of services and related media and apparatus; and miscellaneous ancillary and associated engineering and other operations.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

County Archaeologist
Network Management

Northumbrian Water
North Gas Networks
Force Planning And Police Architectural Liaison Officer
Nexus
Business Investment
Northern Electric
Parks
Environmental Health
Director Of Childrens Services
Environment Agency
English Heritage

Final Date for Receipt of Representations: **17.07.2013**

REPRESENTATIONS:

3 representations in objection to this proposed development have been received. The content of these objections remains under consideration and will be reported on a supplementary report accordingly.

POLICIES:

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

B_2_Scale, massing layout and setting of new developments
EC_4_Retention and improvement of existing business and industrial land
EN_14_Development on unstable or contaminated land or land at risk from landfill/mine gas
T_14_Accessibility of new developments, need to avoid congestion and safety problems arising
B_10_Development affecting the setting of listed buildings
EN_12_Conflicts between new development and flood risk / water resources

COMMENTS:

The application site, which is roughly rectangular in shape is located between Pallion New Road and Deptford Terrace. The Queen Alexandra Bridge is located to the immediate west of the site. It is proposed to take access to the site from a junction located in the western boundary on Deptford Terrace.

All matters in connection with this application remain under consideration and will be reported to Members via a supplementary report.

RECOMMENDATION: Deputy Chief Executive to Report

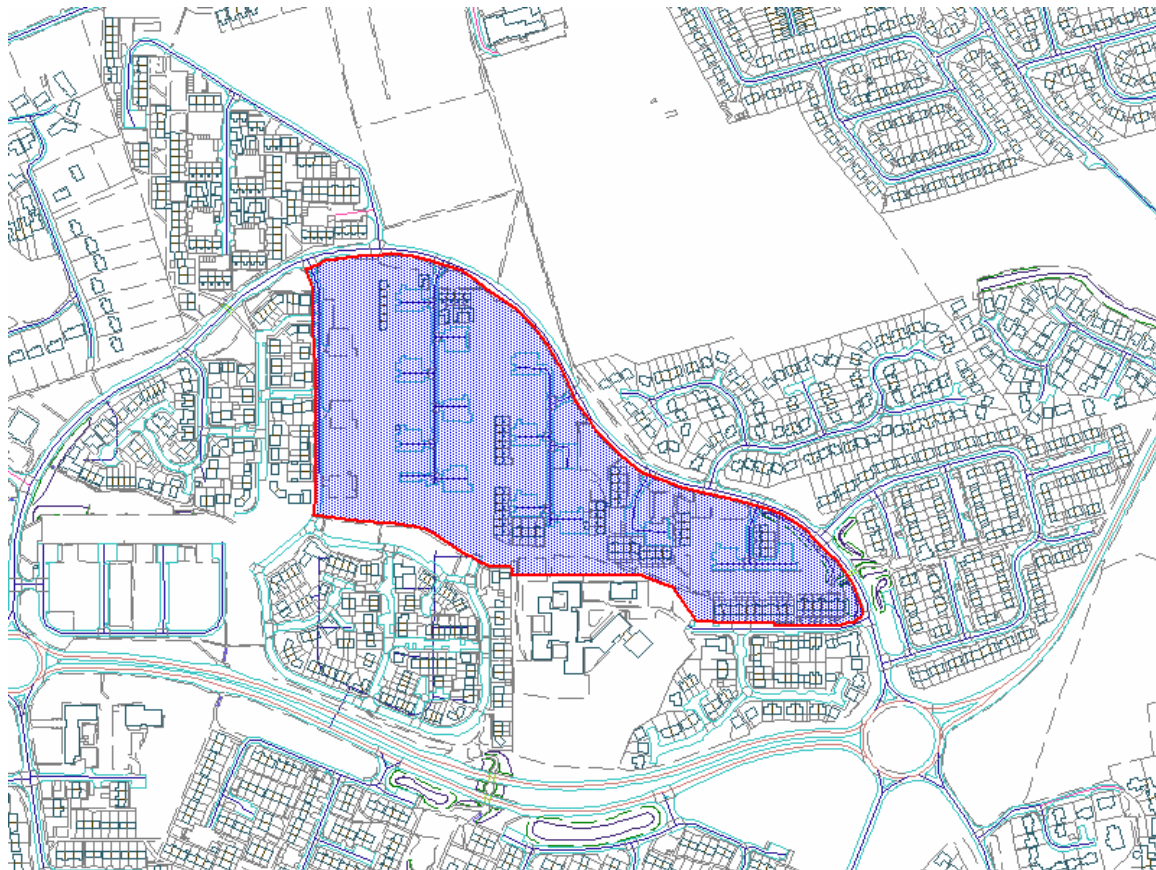
Reference No.: 13/01337/FUL Full Application

Proposal: **Erection of 155 No. residential units with associated access roads, landscaping and infrastructure works, including stopping up of highways.**

Location: Land At Mill Hill Road Doxford Park Sunderland

Ward: Doxford
Applicant: Gentoo Homes Limited
Date Valid: 31 May 2013
Target Date: 30 August 2013

Location Plan



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PROPOSAL:

The proposal relates to Phase 5 of the Doxford Park Masterplan, which was adopted as an Interim Supplementary Planning Document in January 2008. The Doxford Park Masterplan provides a framework for the phased renewal of Doxford Park and offers a detailed design guide to ensure a consistent approach

across the development. To date, phases 1, 2, 3 and 4, providing general needs homes have been completed.

Phase 1, which is located adjacent to Mill Hill Primary School and comprises 60 units, was completed in December 2006. Phase 2 was completed in January 2009 and comprises 44 units. Phase 3A, comprising 128 units was completed in March 2011, whilst Phase 4(A&B) comprising 67 units is also complete. More recently, Members may recall that at the 21 May 2013 Development Control South Sub Committee meeting a resubmitted scheme for Phase 3B, Extra Care Scheme, was approved and work is currently underway on this project.

This Phase 5 of the Doxford Park redevelopment comprises 8.27 hectares, although the developable area is approximately 7.4 hectare. The applicant, Gentoo, proposes to erect 155 dwellings, with associated access and landscaping. In view of the earlier housing estate which existed on the site the proposal will require the stopping up of existing highway and has been advertised accordingly.

The scheme will comprise of the following unit types:-

- 16 no. 2 bed houses
- 26 no. 3 bed houses
- 87 no. 4 bed houses
- 6 no. 5 bed houses

The site forms part of the Doxford Park Estate and is situated within its north east corner, bound to north by Mill Hill Road, to the west by Doxford Park Phase 4 (approved by Development Control South Sub Committee on the 5 January 2010) and to the south by earlier phases of residential re-development and the Mill Hill Primary School. The site is a cleared brownfield site, previously accommodating 1960's residential units. The submitted Planning Statement explains that the majority of the properties on the site are now demolished.

The planning application was supplemented by reports covering the following:

- Design and Access Statement
- Affordable Housing Statement
- Flood Risk Assessment
- Ecological Survey
- Land Contamination Assessment
- Statement of Community Involvement
- Transport Statement
- Travel Plan
- Arboricultural Impact Assessment
- Updated Arboricultural Method Statement
- Indicative Landscaping Scheme

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Network Management
Northumbrian Water
Environmental Health
NE Ambulance Service NHS Trust
Director Of Children's Services
Fire Prevention Officer
The Highways Agency
Northern Electric

Final Date for Receipt of Representations: **29.07.2013**

REPRESENTATIONS:

Public consultation

The development proposal was subject to neighbour notifications and site and press notices. Following this consultation process no letters of representation have been received.

Consultee responses received

Northumbrian Water

In making their response Northumbrian Water has assessed the impact of the proposed development on their assets and the capacity of their network to accommodate and treat anticipated flows arising from the development. Northumbrian Water has stated that they have no issue with this proposal provided that it is developed in strict accordance with the submitted document entitled "Flood Risk Assessment". Consequently, should Members be minded to approve, a suitably worded condition could be placed on the decision notice.

Highways Agency

Having considered the submitted Transport Statement and Travel Plan the Highways Agency has offered no objection to the development proposal. The Agency undertook their own initial assessment of the predicted traffic impact on the strategic road network (specifically the A19/ A690 junction) and considers it not to be at a level which requires physical mitigation measures. Nevertheless, in line with Government policy and in order to minimise the development's traffic impact, the Agency would support the implementation and monitoring of a Travel Plan. Consequently, should Members be minded to approve, a suitably worded condition could be placed on the decision notice.

POLICIES:

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

SA_11_Improvements to Council housing
H_16_Negotiation for affordable housing in major developments
B_2_Scale, massing layout and setting of new developments
CN_17_Tree Preservation Orders and replacement of trees

CN_22_Developments affecting protected wildlife species and habitats
H_21_Open space requirements in new residential developments (over 40 bed spaces)
R_1_Working towards environmentally sustainable development
T_14_Accessibility of new developments, need to avoid congestion and safety problems arising

COMMENTS:

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

1. Principle of development
2. Design considerations
3. Residential amenity considerations
4. Arboricultural and Ecological considerations
5. Section 106: Play Space
6. Sustainability considerations
7. Highway engineering considerations

1. Principle of development

The Planning Statement within the D&AS highlights the fact that the Doxford Park housing estate is identified in the adopted Unitary Development Plan (UDP) as an area subject to 'Housing Improvements' by virtue of policy SA11.

Consequently it is considered that the proposed development, which is part of a Masterplaning exercise for the wider Doxford Park area, accords with the provisions of this policy. Furthermore, the City Council has worked with Gentoo in bringing forward the masterplan in order to set out a planning framework and future vision for redevelopment. The masterplan has been the subject of a public consultation exercise and was endorsed by Cabinet in January 2008.

Affordable housing

UDP policy H16 states that the City Council will negotiate with developers, on the basis of site suitability, for elements of affordable housing to be provided on major new housing sites of 50 dwellings or more. The Strategic Housing Market Assessment and recent Economic Viability of Affordable Housing Requirement Study, identify a need for 10% affordable dwellings on site at a 75% social rented/ 25% intermediate split. However, in view of the implications of earlier phases of development, a substantial portion of which are for rent, the applicant is intending to build out this site entirely for 'outright sale'. Consequently, in light of the 10% affordable housing requirement, clarification was sought from Gentoo in order to ascertain their approach to affordable housing.

Additional information has since been submitted which highlight the approach to affordable housing for the masterplanned area overall:

	Social Rent	Affordable Rent	Intermediate Rent / Shared ownership	Outright Sale	Total
Phase 1	40	0	0	20	60
Phase 2	34	0	5	5	44
Phase 3A	65	0	10	52	127
Phase 4	29	12	5	21	67
Total	168	12	20	98	298

It is therefore clear that a large proportion of the redeveloped area consist of properties that are for social rent i.e. 168 of the 298 properties built to date, whilst 20 properties are intermediate rent/ shared ownership. In conclusion, and even when factoring the 155 units that comprise this development proposal, the redevelopment of Doxford Park to date, which has been undertaken entirely by Gentoo, has thus far exceeded the 10% target and as such their intention to develop the site for outright sale is considered to be in this instance on balance acceptable.

In conclusion, the principle of the development is considered to be acceptable and in accordance with policies SA11 and H16.

2. 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.

As explained in the submitted Design and Access Statement (D&AS) the proposed layout has in part resulted from the fact that the site itself is constrained by underground utilities, such as gas, electric and sewers. As such the majority of these services have been located within the proposed highway network. Nevertheless, the D&AS explains that the scheme has also been designed in such a way so as to positively arrange the development around integral and generous landscaped areas throughout the site.

This landscape approach has focused towards pedestrian routes, thereby enhancing visual and general amenity for proposed residents and visitors to the area. Furthermore, the retention of the existing mature trees along the northern edge and southern boundary has also been integral. Moreover, in view of the fact that the density of the development is 21 dwellings per hectare and as over half of the proposed properties will be at least four bed or more, the relative spaciousness of the plots has also contributed to the landscaped nature of the development, thereby according with the 'village green' ethos of the Doxford Park Masterplan.

It is therefore considered that the general form of the proposed layout appears to be a logical response, which provides for a good degree of natural surveillance on publicly accessible spaces within the development.

The D&AS also states that the proposed materials, which consist of brickwork, stone dressings, timber, render and plain tiles, echo previous phases and as such will ensure a degree of continuity with the wider Doxford Park Masterplan area.

In conclusion, given that the development represents a key part of the regeneration of the wider area and replacement of outdated housing stock, the articulated design approach which focuses on a 'village green' ethos is considered to be on balance acceptable and in accordance with policies B2 and SA11 of the UDP.

3. Residential amenity considerations

Policy B2 also requires proposals to provide for an acceptable amount of privacy amenity, whilst also protecting visual and residential amenity.

The application site is relatively flat and at those points where the proposed development is nearest existing residential development ground levels are similar. The nearest residential properties are located to the west of the site and form part of an earlier phase of the Doxford Park redevelopment. In terms of spacing implications both the 21m (main facing windows) and 14m (main facing to side or secondary windows), as directed by the Residential Design Guide (RDG) Supplementary Planning Document, are achieved and as such residential amenity considerations at this location are acceptable and in accordance with spacing standards. In respect to those existing properties to the north and south of the site the physical separation distances that will exist again ensures the development will exceed the minimum spacing standards.

Furthermore, and as discussed in the design section, in view of the proposed development only having a density of 21 dwellings per hectare, the relative spaciousness of the development and staggered relationships of the plots also ensure that spacing standards and therefore residential amenity considerations are being adequately catered for within the development.

In conclusion, the development is considered to be acceptable in respect to residential amenity and in accordance with the RDG and policy B2.

4. Ecological and Arboricultural 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.

Ecology

The submitted Extended Phase 1 Survey has concluded that the site is predominantly of low ecological value, being dominated by amenity grassland, bare ground and hard standing, with a small number of vacant buildings remaining. There are a number of semi-mature to mature trees within the site, which are considered to be of local ecological value.

The risk of harm to roosting bats through building demolition is concluded to be very low and the Extended Phase 1 Survey considers that this risk can be addressed by undertaking demolition works to a precautionary method statement. The Extended Phase 1 Survey also confirms that only trees with a negligible risk of supporting roosting bats are proposed to be felled.

It is noted that the semi-mature to mature trees within the site will provide nesting opportunities for moderate numbers of locally common urban bird species. However the site is unlikely to be used by ground nesting species due to the lack of cover and being subject to regular disturbance.

The Extended Phase 1 Survey also states that no other protected species are considered likely to be present due to the lack of suitable habitats, water bodies and watercourses.

In light of the findings, summarised above, the Extended Phase 1 Survey has recommended key mitigation measures, these are:

- Demolition of buildings on site should be undertaken to a precautionary working method statement to address the very low risk of bats being present within the properties on site
- Tree felling will not be undertaken during the bird breeding season (March to September inclusive) unless a suitably qualified ecologist has carried out a checking survey and demonstrated active nests to be absent
- Retained trees should be retained and protected in accordance with the measures stipulated by British Standard 5837 2012: Trees in relation to design, demolition and construction - Recommendations.
- Bat slates should be incorporated into at least 10% of the new build properties on site
- External lighting will be low level and low lux and focused away from retained trees

Furthermore, it is also noted that the Extended Phase 1 Survey also recommends that in order to further enhance biodiversity any proposed landscaping scheme should utilise native species or those with a known attraction or benefit to local wildlife, along with the adoption of horticultural good practice and installation of bird boxes at appropriate locations. The above mitigation measures should be included, and where appropriate agreed, via the imposition of a condition should Members be minded to approve the application.

Arboriculture

An Arboricultural Impact Assessment (AIA) has been submitted in support of the planning application. The AIA explains that as there are no Tree Preservation Orders and given that no part of the site is within a Conservation Area none of the trees are legally protected.

The AIA explains that in order to facilitate the proposed development a total of 61 individual trees will need to be removed, along with 5 groupings of trees. Furthermore, it is also considered appropriate to remove a further 5 trees and 1 group for arboricultural management purposes. In view of the proposed tree removals a new planting scheme is proposed to take place throughout the site.

Regarding the 45 trees that will be retained, a number of which are mature specimens that occupy prominent locations, it is recommended that tree protection measures are incorporated during the course of constructing the development, should Members be minded to approve the application. The applicant has submitted an Arboricultural Method Statement which details the protective measures that are proposed. It is therefore recommended that should

Members be minded to approve the application the Arboricultural Method Statement should be conditioned accordingly.

In conclusion by using the protective elements dictated by British Standard 5837 - Trees in relation to construction (2005), the AIA considers that no significant damage should take place during the construction phase and the tree cover should flourish in the longer term. Therefore subject to relevant conditions relating to construction methodology, protective barriers and an agreement of a replanting scheme, the proposal is acceptable in terms of trees and ecology and in accordance with policies CN17 and CN22 of the UDP.

5. Section 106: Play Space

As the application proposes in excess of 10 residential units of 2 bedrooms or more UDP policy H21 requires that provision is made for children's formal play. Due to the restricted size of the site it is considered appropriate to allow a financial contribution to be made for provision in St Matthews Playing Fields and/or Silksworth Sports Complex play areas in lieu of on-site provision via an agreement under Section 106 of the Town & Country Planning Act (1990). The financial contribution would amount to £108,655 (calculated at £701 per dwelling for 155 dwellings). The completion of this agreement will ensure that the scheme complies with UDP policy H21.

6. Sustainability considerations

UDP policy R1 requires the Council to work towards sustainable development and in this regard it is noted that in the submitted Planning Statement the applicant will be constructing the dwellings in order to achieve a level of sustainability equivalent to at least the Code for Sustainable Homes Level 3. Furthermore, the Building Regulations 2010 Approved Document L1A (Conservation of Fuel and Power) sets minimum energy and fabric efficiency standards for new build dwellings. Compliance with L1A is a legal requirement. The approved document is equivalent to a 25% reduction in energy consumption over the 2006 Building Regulations and the Code for Sustainable Homes Level 3.

The Planning Statement also highlights that the proposed dwellings will benefit from compost bins, re-cycling bin, cycle stores, water butts and rotary dryers to encourage residents to minimise their ongoing CO2 footprint.

In conclusion, given the implications of Building Regulations 2010 Approved Document L1A it is considered that the proposed development is acceptable and in accordance with policy R1.

7. Highway engineering considerations

UDP policy T14 requires new development to 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.

The layout of the development proposal in respect to highway engineering is still being given further consideration. The applicant has amended the scheme to reflect technical observations made by colleagues in Network Management (Street Scene) in respect to road widths whilst an additional access point has also been requested near to or along the western boundary of the site. Revised

plans have since been submitted which are currently being assessed by colleagues in Network Management (Street Scene). It is anticipated that the amended plans will be duly considered in time for the Supplement report.

CONCLUSION

The proposed development is considered to be acceptable in terms of design, layout, ecology, arboriculture and sustainability considerations. The outstanding issues in respect to highway engineering should be resolved in time for the Supplement report.

RECOMMENDATION: Deputy Chief Executive to Report

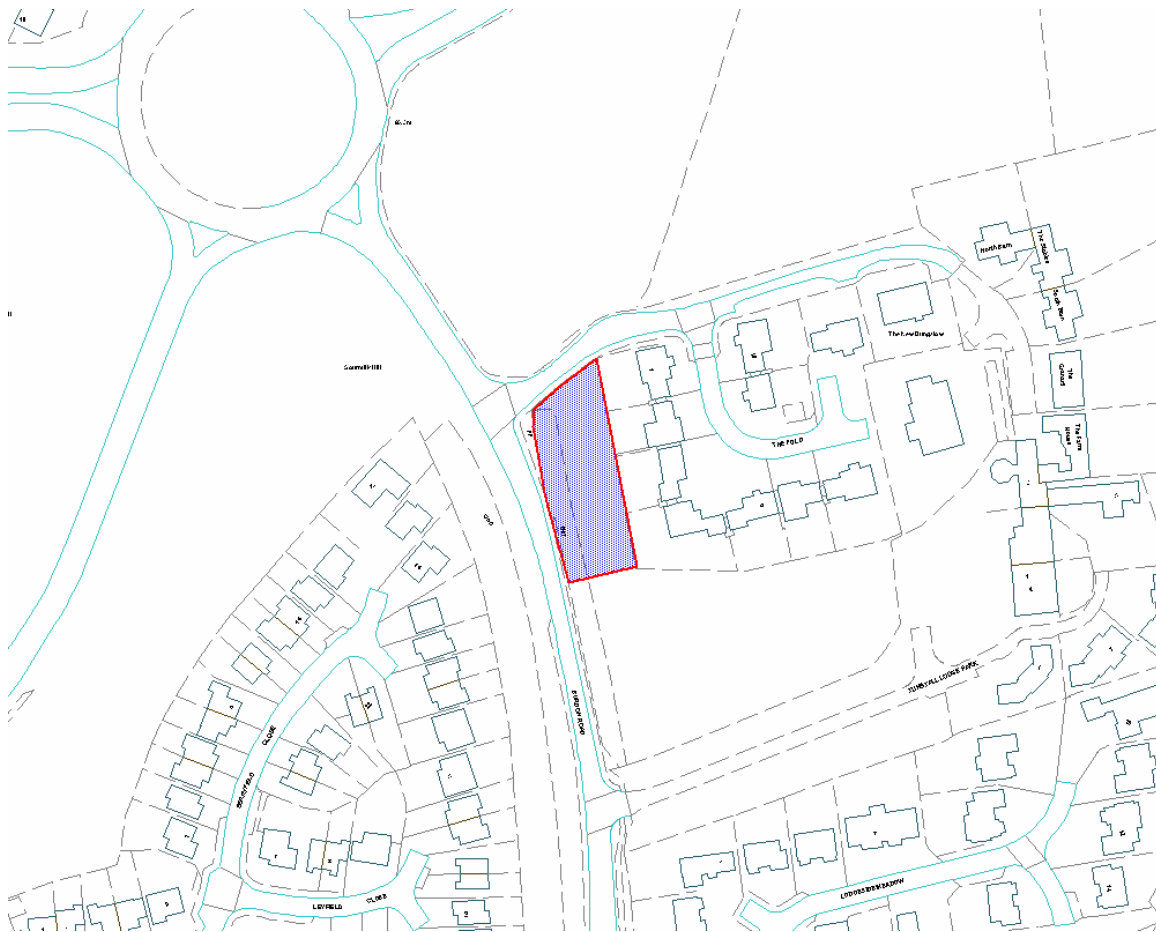
Reference No.: 13/01585/FUL Full Application

Proposal: **Erection of a detached dwelling.
(Reconsultation due to amended valid date)**

Location: Land Off Burdon Road Adjacent To The Fold Burdon Road
Tunstall Sunderland SR3 2QB

Ward: Doxford
Applicant: Mr David Bradford
Date Valid: 18 July 2013
Target Date: 12 September 2013

Location Plan



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PROPOSAL:

Site and historical context

The application proposes to erect a single dwelling on a plot of land to the east of Burdon Road and west of The Fold residential development in Sunderland.

The host site forms part of a paddock associated with the former Tunstall Lodge Hotel located to the south east of the land. The former Tunstall Lodge Hotel is a Grade II Listed Building constructed in 1807. The Lodge was successfully converted into residential accommodation following full and listed building consents in 2003.

To the immediate north, east and west of the Lodge, the former barns associated with the historical farmstead have been converted in to executive residential accommodation and help to make up the wider Tunstall Lodge Park development. The Lodge is accessed via a long tree lined driveway which leads onto Burdon Road. The wider site is home to numerous sycamore trees which are afforded protection through preservation orders.

To the north sits the residential development known as The Fold. The development which comprises of 10no residential units was approved in 1998 under planning ref: 98/01332/LEG. To the immediate west of The Fold lies the site subject to this application.

The host site runs adjacent to the rear gardens of No's 1, 2, 3 and 4 The Fold and is accessed from Burdon Road which links to Burdon Lane to the south and Doxford Park Way which provides the main vehicular route through the predominantly residential area of Doxford Park to the north. On the approach from Doxford Park Way the context of the streetscene changes somewhat giving way to a more rural feel due to a combination of the relative openness, the presence of post and rail fencing and the tree lined verges.

In contrast to the relatively lush and green paddock to the front of the Lodge, the host paddock has been allowed to grow naturally and appears rather more unkempt with longer grasses and vegetation present. This land also houses(ed) protected trees although the majority have been removed in recent times as they were identified as being dead or dying.

When outline planning permission for The Fold was originally approved in 1997, the scale of the built development was confined to retain the remainder of the paddock to the west and south as open space. Members resolved at the Development Control (Sunderland South) Sub-Committee meeting of 20 November 1997 to grant outline planning permission subject to the satisfactory completion of a legal agreement under section 106 of the Town and Country Planning Act 1990 to secure the retention of the remainder of the paddock as open land and to protect the setting of the adjacent Listed Building.

In respect of the above, it is evident that the applicant proposes to erect the dwelling on land which is currently subject to the existing S106 Agreement.

In 2005, the applicant submitted an application which proposed a 'gatehouse' development on the paddock land to the front of the Lodge but subsequently withdrew the scheme when he became aware of the existence of the S106 Agreement.

In 2011 (Planning ref: 11/03669/FUL) the applicant submitted an application for two dwellings. One dwelling was proposed on the paddock to the front of the Lodge whilst a further dwelling (described as a gatehouse) was proposed on the site adjacent to the properties on The Fold. The application was refused by the

Local Planning Authority in April 2012 and was subsequently dismissed by the Independent Planning Inspectorate in December 2012 following an unsuccessful appeal by the applicant.

The proposed dwelling would be located within the 1174 sq metre rectangular strip of relatively flat land to the west of the properties of The Fold. The dwelling would be sited on a north to south axis with vehicular access taken from the Fold to the north. The 3no bedroom development would present a hipped roofed two storey dwelling complete single storey additions to the east encompassing a car port. Access to the property would be achieved via a lobby to be constructed on the northern elevation.

The property would be constructed out of a mixture of red-multi brick, render and cedar cladding with slate to be utilised on the roof. The application proposes to retain the existing post and rail boundary treatment to the western and northern curtilage of the site whilst the existing boundary treatment to the east and south would also be maintained in its current form

The Arboricultural Implications Assessment submitted with the application (dated December 2011) proposed the removal of 11 Sycamore trees all of which are protected under preservation order (TPO 68). The majority of these have previously been removed prior to submission of the application as they were considered to be dead or dying. The site plan submitted with the application indicates that 7 new specimens are proposed to replace the previously felled trees and the remaining specimens on the site.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Network Management
Environmental Health
Northumbrian Water
Environment Agency

Final Date for Receipt of Representations: **28.08.2013**

REPRESENTATIONS:

Third Party Representation

2no objections and 10no signature petition opposing the development.

The main issues raised by the objectors are:

- The land in question is subject to a legal agreement which prohibits any building operations from taking place.

- The proposed dwelling is not in keeping with the style and size of the existing houses or the character of the area.
- The land is not large enough to accommodate a new dwelling.
- The proposed dwelling would be too close to No's 1 and 2 The Fold and does not meet minimum spacing standards.
- The lack of spacing would remove light and privacy and create shadows to the rear of The Fold.
- The erection of the two storey detached dwelling would have a detrimental effect on the value of properties within The Fold.
- The access to the new dwelling is too close to the main road (Burdon Road and create potential hazards with traffic coming and going.

In respect of point 6, it should be noted that the planning system does not exist to protect the private interests of one person against the activities of another, although private interests may coincide with the public interest in some cases. It can, on occasion, be difficult to distinguish between public and private interests but this may be necessary in some instances. The basic question is not whether owners and occupiers of neighbouring properties would experience financial or other loss from a particular development, but whether the proposal would unacceptably affect amenities and the existing use of the land and buildings which ought to be protected in the public interest.

In light of the above, the matter of house value is not one which can be given material weight in the determination of this planning application.

Consultation responses

Environment Agency - The proposal is considered to represent a low environmental risk

Northumbrian Water - No objections received

Executive Director of City Services (Network Management) - No observations or recommendations have been made in relation to the proposal

Executive Director of City Services (Environmental Health) - Given the evidence from the site walk-over and the non-contaminative history of the site and the environs, Environmental Health considers that ground contamination should not be an obstruction to planning permission on the basis that no sampling and testing of soils has been carried out. However it is recommended that the standard Condition for unexpected contamination be imposed so that Sunderland is informed if ground conditions are not as expected.

POLICIES:

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

B_2_Scale, massing layout and setting of new developments

B_3_Protection of public/ private open space (urban green space)

B_10_Development affecting the setting of listed buildings

CN_17_Tree Preservation Orders and replacement of trees

EN_10_Proposals for unallocated sites to be compatible with the neighbourhood

EN_14_Development on unstable or contaminated land or land at risk from landfill/mine gas

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

T_22_Parking standards in new developments

COMMENTS:

Members will recall that a site visit took place on 30 August 2013 and the application was subsequently presented the Development Control South Sunderland Sub Committee on 2 September. Unfortunately no decision was made on the application at the aforementioned meeting and a second site visit was called which is scheduled to take place on 27 September 2013.

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

1. Principle of development
2. Impact on visual amenity and street scene
3. Impact on residential amenity
4. Impact of the proposed development on the listed building and its setting
5. Highway considerations
6. Tree Implications
7. Land Contamination

1. Principle of proposed development

As has been referenced above in site description and history, the host site is subject to a legal agreement that was made under Section 106 of the Town and Country Planning Act 1990 to secure the retention of the remainder of the paddock as open land and to protect the setting of the adjacent Listed Building following the approval of planning application 98/01332/LEG.

Point (6) under WHEREAS, states that:

The Council has resolved to grant planning permission for the development in the terms of the attached draft subject to the making of the Agreement without which planning permission would not have been granted.

The restrictions contained within the schedule are outlined below.

1. Not to carry out on the Red Land or any part thereof any development within the meaning of Section 55 of the 1990 Act or any provision amending or replacing that section.
2. To use the Red Land as and for an open space and for no other purpose and to maintain the Red Land in a condition so that the amenity of the Development and the neighbouring areas are not adversely affected.

In light of the above the Council, acting in its capacity as Local Planning Authority (LPA) must therefore consider whether the original justifications for imposing the section 106 on the land in question remain of material importance to the land and wider amenity of the area today.

The development site is identified as 'white land' on the proposals map of the City Council's adopted Unitary Development Plan (1998) and as such the proposal is subject to policy EN10. This policy dictates that where the UDP does not indicate any proposals for change, the existing pattern of land use is intended to remain and development in such areas must be compatible with the principal use of the neighbourhood.

In addition to the above and given the nature of the land, policy B3 is also considered to be relevant stating that 'public and private open space will be protected from development which would have a serious adverse effect on its amenity, recreational or nature conservation value, proposals will be considered in the light of their contribution to the importance of such space and to the established character of the area'.

Whilst the land to the west of The Fold is not specifically allocated as open space within the UDP proposals map, the land subject to the development presents and is read within the context of the street scene as open space in tandem with the paddock to the front of Tunstall Lodge.

In this respect, the development of this land would, in the LPA's opinion, fail to respect the existing pattern of land use and would have an adverse effect on its amenity. As such it is considered that the proposal conflicts with the requirements of aforementioned policies EN10 and B3 and is therefore unacceptable in principle.

2. The impact of the proposed development on visual amenity and the streetscene

On approaching the site from the north (Doxford Parkway), the entrance to Burdon Road appears semi rural in nature with an open rail bound field lying to the immediate east and a large open landscaped verge with notable tree planting evident to west. The roofscapes and subsequent rear elevations of The Fold development to the east become more evident as the host site nears. Whilst the visual nature of the streetscene alters to some extent due to the presence of The Fold, the general openness of the streetscene is maintained by virtue of the rectangular paddock to its west which sweeps into the larger open paddock to the front of Tunstall Lodge. This general openness does, in the LPA's opinion, offer a perception of openness that helps to provide a semi rural character to the streetscene by providing distinct visual relief between Burdon Road and the built development of The Fold.

As has been noted above, the land in question is somewhat unkempt and has been left to grow naturally in recent times. Piles of branches presumably from trees which have previously been felled were located at various points throughout the site although these were largely masked beneath the high level grasses.

Within refused application 11/03669/FUL, it was acknowledged that whilst the design approach of the proposed dwelling was unremarkable, it did appear of acceptable proportions and of reasonable aesthetic quality within in its own right. However, it was argued that the western edge of The Fold development represents a clear and defined settlement boundary which is delineated from the street by the openness of the paddock and that the addition of a single dwelling orientated in a different manner to the established layout of The Fold would appear to be largely piecemeal and would adversely impact on the open break

which offers significant amenity to the prevailing street scene. The development was therefore considered to be harmful to the character of the area and refused accordingly.

The above considerations were given due weight by the Independent Planning Inspectorate in the dismissal of the applicant's appeal wherein it was stated in Para 8 that;

"The proposed dwelling on plot 1 would be of typical suburban character, which, in my view, would be less successful than the adjacent development at the Fold which incorporates vernacular details. Nevertheless, in terms of scale it would not be out of keeping with its neighbours. The Fold however, is a distinctive, inward facing, self contained development. In terms of layout, the proposed development on plot 1 would not relate well to its neighbours, but appear as a piecemeal afterthought. Overall, it would not positively enhance the area, but harm its overall character"

In light of the above the applicant has sought to address the raised concerns by virtue of reducing the physical scale and massing of the development through a redesigned scheme. In addition, whereas the previous dwelling was located more centrally within the host plot the new dwelling would now be positioned towards the north eastern corner behind the properties of No's 1 and 2 The Fold.

In reducing the scale and massing of the dwelling and positioning it towards the north eastern corner of the site, it is understood that the applicant has attempted to minimise the visual appearance of the development within the context of the area whilst trying to address the Inspectorates comments in Para 7 of his report wherein it is stated that the previous proposal would also contribute to the further erosion of the historic layout of the Lodge and thereby have some impact on the setting of the Listed Lodge.

Having considered the revised scheme officers do not believe that the proposal has or indeed can address the concerns that have previously been raised by both the LPA and the Independent Planning Inspectorate due to the nature of the site and the character of the area.

Aesthetically, the design of the dwelling is again considered to be of limited architectural quality and offers poor visual cohesion particularly given the prominent position it would occupy on Burdon Road. Whilst the use of render and slate would assist to some extent in integrating the dwelling into the backdrop of the properties on the Fold, the property would nonetheless still be viewed as a piecemeal form of development that would not assimilate into, but would appear physically divorced from the inwardly facing adjacent site.

In its current state, the western edge of The Fold development represents a clear and defined settlement boundary which is delineated from the street by the openness of the paddock. The addition of a single dwelling orientated in a different manner to the established layout of The Fold would appear to be largely piecemeal and would adversely impact on the open break which offers significant amenity to the prevailing streetscene.

It is noted that the applicant proposes to replant 7no trees to replace the 8no trees which have previously been removed due to their condition. The proposed siting of the trees would not screen the prominence of the development on the

northerly approach on Burdon Road but would present some screening on the southern approach whilst providing a good level of visual amenity along the western perimeter of the site. Nonetheless and notwithstanding the appropriateness of the planting, as the removed trees were subject to a Tree Preservation Order there is a requirement on the applicant to replace the previously removed trees in any event and the potential quality of the replanting scheme does not override the unacceptability of the wider development of the paddock in this respect.

One of the aims of UDP policy B2 is to ensure that the scale, massing, setting and layout of a new development respects and enhances the best qualities of the locality and in this instance the LPA do not believe that the development of the paddock to the west of The Fold would result in compliance with this policy.

Section 7 of the newly adopted NPPF states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. In this respect new development should reflect the identity and character of local surroundings and permission should be refused if it fails to take the opportunities available for improving the character and quality of an area and the way it functions.

In view of the above reasoning, the LPA would contend that the proposed siting of the dwelling would adversely impact on the semi rural character of the streetscene by diminishing the existing openness and visual qualities of the paddock. It is considered that the proposed dwelling would not accord with the sentiments of UDP policy B2 or the provisions of section 7 of the NPPF.

3. The impact of the proposed development on the amenity of existing residential dwellings

Policy B2 of the UDP also requires that new development respects residential amenity and retains acceptable levels of privacy. Supplementary Planning Guidance and the 'Residential Design Guide' Supplementary Planning Document to the UDP provide spacing standards to which new residential development should adhere, in order to achieve acceptable levels of privacy and provide adequate levels of outlook. The SPG and SPD state that a distance of 21 metres should be maintained between main living windows of residential buildings, and 14 metres between main living windows and an elevation free of main living windows.

In contrast to the previous application, the proposed dwelling has been positioned closer to the rear gardens and elevations of No's 1 and 2 The Fold and representations have been made from these properties in terms of the potential impact the development would have on their living conditions.

As there are no primary windows located in the eastern elevations of the new dwelling a minimum spacing of 14m would need to be achieved between the rear elevation of No's 1 and 2 and the new build. On the basis of the drawings submitted, the development would largely meet these standards although shortfalls in spacing are evident to the south east between the rear elevation No.2 and the dining area and the rear elevation of No.1 and the car port (approximately 12.45m).

Whilst it is noted that the applicant has sought to reposition the dwelling to overcome perceived issues relating to sightlines (on to the larger area of paddock in front of Tunstall Lodge), this has in turn brought the property closer to the properties on The Fold. Although for the most part spacing standards have been adhered to, outlook from the rear elevations of No's 1 and 2 would be on to a long 18m stretch of partial wall and roof slope. Due to a combination of the appearance and proximity of the dwellings eastern elevation, officers consider that the development would appear visually discordant and, given the size of the wider plot, unnecessarily reduce outlook for the occupiers of No's 1 and 2 The Fold.

In terms of impact on privacy the development would have no discernable impact on the occupiers of The Fold with only an en-suite window located at ground floor and a high level landing window located at first floor. Whilst roof lights are proposed within the roof slope of the dining and study areas the configuration of these windows would be such that there would be no direct impact on privacy.

In respect of the developments impact on sun/daylight and potential overshadowing, it is considered that there would be some effect on the properties of 1 and 2 The Fold. However, the degree to which the presence of the new dwelling would impact on these properties is considered to be relatively minor. The new dwelling would be positioned due west of No's 1 and 2 with some overshadowing likely to occur within the uppermost sections of the gardens during the mid afternoon to early evening period of the day. The development is largely compliant with requisite spacing standards and the elements that fall short of compliance are relatively low rise in terms of scale and incorporate a pitched roof which slopes away from the boundary of the site. As such any loss of day/sun light/creation of overshadowing is likely to be within acceptable parameters and would not be of sufficient detriment to warrant the refusal of the application.

4. Impact of the proposed dwelling of the setting of the listed building

Policy B10 of the UDP states -

The City Council will seek to ensure that development proposals in the vicinity of Listed Buildings do not adversely affect their character or setting.

Within the Inspectorates dismissal of the applicant's appeal, it was contended that the previously refused dwelling would partly block views of the tree-lined west-east driveway leading up to Tunstall Lodge on the approach from the north. In this respect, it was argued that the presence of the dwelling would further erode the historic layout of the surroundings to the Lodge and that the dwelling would have some adverse impact on the setting of the Listed Building. It is perhaps for this reason that the applicant has sought to re-position the dwelling within the north-eastern corner of the site in an attempt to minimise the impact on the tree lined approach to the Lodge.

Whilst the repositioned dwelling would now be less intrusive in respect of views onto the tree lined approach to Tunstall Lodge, the Inspectorates decision highlighted that "the land to the west and north-west of Tunstall Lodge remains an important feature of the listed buildings setting; helping to understand the historic development of the area and the way the building is viewed as it is approached"

In this respect officers would still conclude that the presence of a dwelling on this land would have a negative impact on land held to be an important element of the setting of Tunstall Lodge. Nonetheless and in line with comments previously affirmed by the Inspectorate, officers would concede that the resultant impact of the development on the Listed Building is considered to be less than substantial. In such instances the NPPF therefore advises that the harm involved should be weighed against the public benefits of the proposal.

With regard to the above, the applicant has offered a number of arguments to affirm the benefits of the proposal including its contribution to sustainable development, the City Council's 5 year housing supply and the improvement in the physical condition of the plot.

In taking the above points in turn;

Sustainability

In summing up the dismissal of the recent appeal, the Inspectorate made particular reference to paragraph 49 of the NPPF which states that housing applications should be considered in the context of the presumption in favour of sustainable development. In giving due consideration to this the Inspectorate quite clearly stated that he did not believe that the 'urban fringe' location of the site was a particularly sustainable location for housing development.

Whilst it is acknowledged that there are services/facilities located approximately 1 mile away from the site and the applicant intends to incorporate sustainable practices into the build, such matters are not considered to be overriding factors in determining the sustainability of a development. The NPPF makes it clear that sustainable development is about change for the better and encompasses all aspects of planning whether that is through the natural environment, the historic environment or the design of the development. As identified above, the new dwelling is considered to be of limited visual quality that would not positively enhance the area but would harm its overall character.

Housing Supply

Whether or not a Local Authority can demonstrating an up to date supply of deliverable housing sites can be strong and persuasive material planning consideration in determining applications for new housing development. However, both officers and the Planning Inspectorate have previously stipulated that the contribution of single dwellings to meeting any shortfall would be negligible and would not outweigh the material harm that has already been identified.

Condition of Land

The applicant has stipulated that the land in question remains without any use, whilst the trees that used to occupy the site have been removed due to ill health. The applicant also continues that the plot is not in keeping with the established character of the area and is in fact having a detrimental impact on the amenities of the area due to its unkempt appearance.

In respect of the above it is clear that as land owner, the applicant has a responsibility to maintain the land in an appropriate manner, particularly given the presence of the Section 106 agreement which in part stipulates that land shall be kept in a condition so that the amenity of the Development and the neighbouring areas are not adversely affected. Whilst the applicant stipulates that the land is not in keeping with the established character of the area and is having a detrimental impact on the amenities of the area, officers would contend that the land actually appears somewhat naturalised through the growth of the long grasses which in many ways is commensurate with the semi rural context of the area.

Further and in respect of the removed trees, it is clear that the land owner is duty bound to re-plant the previously removed specimens regardless of the outcome of the planning application.

Again, both officers and the Planning Inspectorate have previously contended that the potential 'tidying up' of the plot would not compensate for the resultant loss of openness and harm to the character of the area the development would create.

5. The impact of the proposed development on highway and pedestrian safety

The impact of the proposed development on highway and pedestrian safety has been given full consideration by the City Council's Executive Director of City Services (Transportation) and no recommendations have been offered. One observation has been received regarding the fact that Burdon Road has been identified for highway improvements however no further details are available at this time.

As such, it is considered that the access and parking arrangements associated with the development comply with the requirements of aforementioned policies T14 and T22 of the UDP.

6. Tree Implications

Policy CN17 seeks the retention of trees which make a valuable contribution to the character of an area.

As has been referenced previously, the majority of trees protected under TPO 68 have been removed from the host site in recent times as they were found to be either dead or dying. Prior to the felling of the subject trees the City Council's Arboricultural Officer visited the site and verified their condition. Notwithstanding the outcome of the application, the applicant would be duty bound to replace the protected trees.

7. Land Contamination

Policy EN14 of the UDP states that where development is proposed on land which there is reason to believe is contaminated or potentially at risk from migrating contaminants, the Council will require the applicant to carry out adequate investigations to determine the nature of ground conditions below and, if appropriate, adjoining the site. Where the degree of contamination would allow development subject to preventative, remedial or precautionary measures within

the control of the applicant, planning permission will be granted subject to conditions specifying the measures to be carried out.

Given the proposals sensitive end use, the applicant has submitted a desk top study which assesses any potential hazards that may be present on or adjacent to the site and a risk assessment for further consideration.

The study considers that no further investigation of the land is necessary, although confirmatory testing should be considered in the case of other exploratory investigation being undertaken for geotechnical purposes. Given the evidence from the site walk-over and the non-contaminative history of the site and the environs, the City Councils Environmental Health Section considers that ground contamination should not be an obstruction to gaining planning permission on the basis that no sampling and testing of soils has been carried out. However, should the application be recommended for approval it is considered that a condition relating to the finding of unexpected contamination be imposed so that LPA is informed if ground conditions are not as expected.

Conclusion

One of the key threads running through the NPPF is the emphasis on protecting and enhancing the natural, built and historic environment through the pursuance of positive sustainable improvements within it. In considering the submission the LPA must weigh up the perceived harm the proposal would have within the context of the surrounding environment against the benefits it would bring.

In this respect, it is considered that the erection of a single dwelling on the host site would amount to a piecemeal form of development that would adversely impact on the semi rural character of the street scene by diminishing the existing openness and visual and historic qualities of the paddock. The development would sit within relative close proximity to the properties of No's 1 and 2 the Fold to the extent that it would appear visually discordant and unnecessarily reduce outlook for the occupiers of these properties.

The proposed development fails to bring any wider benefit to the local area and therefore fails to comply with the requirements of policies B2 and B3, of the UDP and does not accord with the sustainable principles outlined within the NPPF.

In light of the above, Members are therefore recommended to refuse the application for the reasons laid out below.

RECOMMENDATION: Refuse

Reasons:

- 1 The proposed development, by reason of its design, siting and layout, would result in the erosion of a valuable area of amenity space and would be detrimental to the established character and amenity of the street scene and local area, contrary to policies B2 and B3 of the adopted Unitary Development Plan and paragraphs 17, 56, 57 and 64 of the National Planning Policy Framework.

- 2 The proposal, by virtue of its layout and position, would compromise the outlook afforded to No's 1 and 2 The Fold and appear as a visually discordant feature to the occupants of these dwellings, to the detriment of residential amenity and contrary to paragraph 17 of the National Planning Policy Framework, policy B2 of the adopted Unitary Development Plan and Table 10c of the adopted Residential Design Guide Supplementary Planning Document.

Reference No.: 13/02208/VAR Variation of Condition

Proposal: Variation of Condition 2 (Approved Plans) of planning permission 12/02890/FUL to allow location of games area in north western corner of the site, provision of additional hard play space and minor modifications to the car park/drop off area to allow fire appliance access and addition of additional windows to north eastern elevation and south western elevation of building and addition of an additional door to south eastern elevation of the building. (Amended plan received 4 September 2013 including the construction of a 2 metre high brick wall adjacent to 6 - 8 Portman Square and 10 - 12 Porchester Square).

Location: Grindon Hall Christian School Grindon Hall Nookside
Sunderland SR4 8PG

Ward: St Annes
Applicant: Mr Chris Grey
Date Valid: 10 July 2013
Target Date: 9 October 2013

PROPOSAL:

Members may recall that planning application 12/02890/FUL which sought permission for the erection of two storey school building and associated landscaping and infrastructure including 48no. additional car parking spaces and temporary site access and contractors compound, was presented for their consideration at the meeting of the Development Control (South and City Centre) Sub-Committee on 29 January 2013. Members resolved to approve the application and planning permission was subsequently approved.

The application under consideration in this report seeks permission for a variation to the plans previously approved under planning reference 12/02890/FUL in connection with development at Grindon Hall School.

The variations to the previously approved plans comprise:

- the location of a games area in north western corner of the site;
- provision of additional hard play space;
- minor modifications to the car park/drop off area to allow fire appliance access;

- addition of additional windows to north eastern elevation and south western elevation of building; and
- an additional door to south eastern elevation of the building.

(Amended plans received on the 4 September 2013 also including the construction of a 2 metre high brick wall adjacent to 6 - 8 Portman Square and 10 - 12 Porchester Square, which was requested by the occupier of 11 Porchester Square).

Members of the Development Control (South and City Centre) Development Control Sub-Committee undertook a site visit to the application site on 30 August 2013.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

St Annes - Ward Councillor Consultation
Director Of Childrens Services
Northumbrian Water
Environmental Health
Environment Agency
Network Management
Force Planning And Police Architectural Liaison Officer
Sport England

Final Date for Receipt of Representations: **03.10.2013**

REPRESENTATIONS:

2 letters of objection have been received in connection with this application.

1 letter of objection has been submitted from the occupier of 11 Porchester Square (located to the north of the application site) on grounds of:

- Overlooking
- Noise levels
- Lighting issues
- Possible future floodlighting
- Possible future flooding
- Distance of car park from 11 Porchester Square

1 letter of objection has been submitted from the occupier of 165 Portsmouth Road on grounds that there is insufficient car parking available at the school and as a result indiscriminate car parking currently takes place outside of the school by parents dropping off and picking up children, this indiscriminate parking damages pavements, obscures site lines and damages mains water pipes. The objector also requests that bollards should be installed by the school to prevent such indiscriminate parking in the future.

Consultees

Director Of Childrens Services - No objection.

Northumbrian Water - No objection.

Environmental Health - No objection.

Environment Agency - No objection.

Network Management - No objection.

Force Planning And Police Architectural Liaison Officer - No comments received.

Sport England - No objection.

POLICIES:

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

B_2_Scale, massing layout and setting of new developments

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

L_7_Protection of recreational and amenity land

CN_17_Tree Preservation Orders and replacement of trees

CN_22_Developments affecting protected wildlife species and habitats

EN_12_Conflicts between new development and flood risk / water resources

CF_5_Provision for primary and secondary schools

COMMENTS:

The Application Site

The school site sits within a plot bounded by Pennywell Road to the west and Nookside to the south and is boarded by residential dwellings to the south and north boundary. To the east is a former sports field as well as The Nook Aged People's Hostel.

Grindon Hall School was formerly Grindon Hall Hospital, but it became a school in 2000. The main school building, or the main house, is a two storey light brick faced building with stone detailing to the windows dating from the mid 19th Century. Internally it possesses a mezzanine level and steps down to a lower level at the back of the site.

The original building has been extended over the years to include a T shaped extension currently used of classroom accommodation and changing. The school recently adapted a stable block to the northern boundary to provide further classroom spaces at two levels. Additionally the school has a number of outbuildings to the rear which have a variety of functions including storage and a day nursery.

There are a mixture of hedgerows and trees (including trees protected by Tree Preservation Orders) across the site.

The topography of the site has a gentle fall towards the east by approximately 1 metre.

The previous planning approval, 12/02890/FUL, has been implemented with tree removal, demolition and construction of the new school extension currently being undertaken on site.

Consideration

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

- The impact of the proposed variations to the approved plans upon the residential amenity of near neighbouring residential occupiers.
- Highway Safety.

Impact of the proposed variations to the approved plans upon the residential amenity of near neighbouring residential occupiers.

The previously approved plan showed an orchard and wildlife meadow located in the north western corner of the site adjacent to numbers 6, 7 and 8 Portman Square. It is now proposed to site a formal games court in this area.

The proposed games court will be screened from numbers 6 - 8 Portman Square to some extent by proposed tree planting along the boundary of the two. Furthermore, a two metre high brick wall is proposed along the northern boundary of the site between the residential properties on Portman Square and the school site. It is considered that this type of boundary enclosure will offer enhanced acoustic screening for the residential properties and also prevent views into the rear private gardens of the residential properties from the games court when it is in use. In addition to the above, it must be considered that the area identified as a formal games area (and laid out as such) could be used informally for such purposes by the school without the need for planning permission.

One objection has been received to the proposed development on grounds that future floodlighting of this games area may occur. No floodlighting of the proposed games court is indicated on the proposed plans and the installation of floodlighting around a sports pitch would require planning permission in its own right. If the school were to apply for such planning permission in the future the Council would have the opportunity to consider the merits of such floodlighting and would consult the occupiers of adjoining land.

The objection received in relation to "lighting issues" appears to relate to large pre existing lights which have been installed on the main school building. This matter is being investigated by the City Council's Environmental Health Team under their powers to deal with statutory nuisance.

The provision of additional hard play space within the school grounds is considered to be acceptable with no detrimental impact likely as a result of it.

The addition of windows to north eastern elevation and south western elevation of the new school building (extension) and the additional of a door to south eastern elevation of the building are considered to be acceptable and unlikely to create any unacceptable impact upon any neighbouring property.

In terms of the objections received to this planning application. One objection has been received on grounds of overlooking from the windows of the school. Whilst it is acknowledged that the windows of the school are now visible from the objector's property following the removal of a boundary wall and mature trees from the site, a separation distance in excess of 40 metres is retained between the windows of the school and the main rear elevation of the objectors property. This distance is in excess of the minimum separation distance for main facing windows set out in the Council's adopted Supplementary Planning Guidance, which sets acceptable separation, in order to retain privacy, at a distance of 21 metres. Furthermore a scheme of replacement tree planting is proposed which will, to some degree, screen the complainants property from the school site. In addition to this the applicant has agreed to position a two metre high brick wall on the boundary between the application site and the immediate neighbouring residential properties in Porchester and Portman Squares.

1 objection has been received on grounds of possible future flooding. There is nothing to suggest that flooding will occur as a result of the proposed development and large areas of grass and landscaping will be retained on site post development.

Highway Safety

The proposed variation to the previously approved plans includes minor modifications to the car park/drop off area to allow fire appliance access. The modification proposed is very minor comprising the deletion of one car parking space and reshaping of the grass verge located centrally within the car parking/drop off area.

These modifications are considered to be acceptable and required to facilitate access by emergency vehicles in the event of an emergency.

The City Council's network Management Team has been consulted regarding the proposed variation to the previously approved plans and has confirmed that there is no objection to them.

An objection has been received to the proposed development from the occupier of 11 Porchester Square on grounds that the proposed car park/drop off area will be located too close to their property and will create disturbance as a result through noise and light nuisance. However, this aspect of the development already has planning permission via planning approval reference 12/02890/FUL and no modification to this particular aspect of the proposal is proposed. The location of the proposed 2 metre high brick wall along the boundary between Porchester Square and the application site will serve to prevent car headlights from shining towards the property during winter months and will also offer some degree of noise attenuation, though any noise from vehicle movements will be limited to the periods at the beginning and the end of the school day when the drop off area is likely to be at its busiest.

1 letter of objection has been submitted from the occupier of 165 Portsmouth Road on grounds that there is insufficient car parking available at the school and as a result indiscriminate car parking currently takes place outside of the school by parents dropping off and picking up children, this indiscriminate parking damages pavements, obscures site lines and damages mains water pipes. The

objector also requests that bollards should be installed by the school to prevent such indiscriminate parking in the future.

The development approved by planning reference 12/02890/FUL significantly increased the level of car parking within the school grounds and made provision for drop off and pick up within the school specifically to address the problems referred to in the objection from the occupier of 165 Portsmouth Road. It is considered that the incorporation of the increased car parking and pick up/drop off areas will alleviate the problems referred to in the representation received. The planning authority cannot insist that the school installs bollards on areas of adopted highway, furthermore in the absence of any measures to improve parking situations (as are available here) such installations have the potential to simply move a pre-existing problem elsewhere.

On the above basis the proposed minor modifications to the car park/drop off area are considered to be acceptable.

Summary

The proposed variations to the originally approved scheme for Grindon Hall School are considered to be acceptable. However, publicity in connection with an amended plan received on 4 September 2013, which provides details of the proposed two metre high wall between the school and the neighbouring properties to the north, remains subject to an additional period of publicity that expires on 3 October 2013.

Members will be updated at the Development Control (South) Sub-Committee meeting regarding any representations made in connection with the aforementioned amended plan. However, in the event that no further representations are received it is recommended that Members are minded to approve the proposed variation subject to the expiry of publicity (and on the basis that no further representations are received on grounds not already addressed in this report) and subject to the conditions set out below. In the event that further objections to the scheme, that have not already been addressed in this report, are received the application will be referred back to Members for their further consideration at the earliest opportunity.

RECOMMENDATION: Approve

Conditions:

- 1 The development to which this permission relates must be begun not later than three years beginning with the date on which the original permission was granted 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:

Site location plan, Drawing Number P650, received 19 October 2012;
Site plan as proposed, Drawing Number P652 Revision B, received 4 September 2013;

Elevations as proposed Sheet 1 Drawing Number P701 Revision B received 9 July 2013;
 Elevations as proposed Sheet 2 Drawing Number P702 Revision B received 9 July 2013;
 Plans as Proposed - Ground Floor Drawing Number P101 received 19 October 2012;
 Plans as Proposed - First Floor Drawing Number P102 received 19 October 2012;
 Plans as Proposed - Roof Plan Drawing Number P103 received 19 October 2012;
 Landscape Masterplan Drawing Number PL1216.M100 Revision E received 9 July 2013.

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 materials and finishes to be used for the external surfaces, including walls, roofs, doors and windows shall be in accordance with the details set out below:

Render Rainscreen - Weber WeberSil TF 150 Slate Grey;
 Brick Feature - Hanson Macerend Dark Grey Mortar Layer and Old Yorkshire Stone Face Layer;
 Timber Rainscreen - Grade A Syberian Larch, RW008 profile;
 Windows and doors - PPC Aluminium RAL 7015;
 Roof - Single Ply Membrane Light Grey;
 Flashings - PPC Aluminium RAL 7015.

The development shall not be carried out other than in accordance with the above approved details unless otherwise first agreed in writing with the Local Planning Authority in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.

- 4 The development hereby approved shall take place in strict accordance with the approved Dust Management Strategy received 18 June 2013; and approved Drawing number P01229-02 C 68 received 18 June 2013 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 EN1 and B2 of the UDP.
- 5 All works and practices on site to contain dirt and debris within the site and ensure that no dirt and debris spreads on to the surrounding road network shall be implemented in strict accordance with the Dust Management Strategy received 18 June 2013 (approved 28 August 2013) 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.
- 6 A monitoring report in connection with Grindon Hall School Travel Plan, October 2012, shall be prepared and submitted to the Local Planning Authority for their written approval on an annual basis in order to reduce the number of pupils arriving at school by car and increase the number of

pupils using sustainable means of transport. In the interest of traffic mitigation and sustainability and to comply with the requirements of Policies T1 and T14 of the adopted Unitary Development Plan.

- 7 The car parking and pick up and drop off points shown on Drawing Number P652 Revision B shall be laid out and made available for the parking of vehicles and shall be retained as such for the lifetime of the development and shall be used for no other purpose, unless otherwise first agreed in writing with the Local Planning Authority. In the interest of highway safety and residential amenity and to comply with the requirements of Policies B2 and T14 of the adopted Unitary Development Plan.
- 8 Precise written details showing the location of the ecological mitigation and enhancement measures set out in section E: Mitigation and Recommendations of the Extended Phase 1 Survey, Grindon Hall Christian School, Report No R07, Update, September 2012, shall be submitted to, and approved in writing by, the Local Planning Authority. The ecological mitigation and enhancement measures shall then be carried out in strict accordance with the approved details unless otherwise first agreed in writing with the Local Planning Authority. In the interest of Nature Conservation and to comply with the requirements of Policy CN18.
- 9 The ecological mitigation and enhancement measures indicated in "Section E Mitigation and Recommendations" shall be fully implemented as set out on pages 31 and 32 of the Extended Phase 1 Survey, Grindon Hall School, Report No R07, Update, September 2012, received 19 October 2012. In the interest of nature conservation and to comply with the requirements of Policy CN18 of the adopted Unitary Development Plan.
- 10 The erection of fencing for the protection of any retained trees shall be undertaken in accordance with the details contained on Drawing Number PL1216.M200 Rev A Tree Retention and Removal Drawing received 28 February 2012, before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority, in the interests of visual amenity and to comply with policy CN17 of the UDP.
- 11 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 and CN17 of the adopted Unitary Development Plan.

- 12 The construction works required for the development hereby approved shall only be carried out between the hours of 07.00 and 19.00 Monday to Friday; and between the hours of 07.00 and 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.
- 13 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared which is subject to the approval in writing of the Local Planning Authority

If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until this condition has been complied with in relation to that contamination.

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks and in accordance with policy EN14 of the adopted 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 AND WARD		ADDRESS	APPLICANT/DESCRIPTION	DATE SITE VISIT REQUESTED	LAST ON AGENDA	COMMENTS
1.	13/00544/FUL Doxford	Land at Croftside House Knollside	Aldi Stores Ltd Demolition of existing care home and erection of a foodstore with associated vehicular and pedestrian access, car parking and landscaping	May	N/A	Pending further consideration of retail impact No Section 106 Agreement required at this time
2.	13/00799/FUL Doxford	Land at Burdon Lane, Burdon, Sunderland	Bellway Homes (NE) Ltd Erection of 118 dwellings, formation of access, provision of landscaping and associated works	N/A	N/A	Currently out to consultation. Section 106 required, however to date no discussions have take place in this regard

Appeals Received South Sunderland

Between 01/08/13 and 31/08/13

Ref No	Address	Description	Date Appeal Lodged
13/00020/REF	Former Bakery 150 Cleveland Road Sunderland SR4 7PT	Change of use from bakery (B1) to retail shop (A1) and provision of new shopfront	29/08/2013

Appeals Determined Sunderland South
Between 01/08/13 and 31/08/13

TEAM	Ref No	ADDRESS	Description	Decision	Date of Decision
	13/00013/REF	37 Crosslea Avenue Sunderland SR 3 1LT	Replacement boundary wall and fencing to front and side and erection of bin store to rear.	DISMIS	05/08/2013

13/00013/REF.



The Planning
Inspectorate

Appeal Decision

Site visit made on 30 July 2013

by **M Seaton BSc (Hons) Dip TP MRTPI**

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

Decision date: 5 August 2013

Appeal Ref: APP/J4525/D/13/2199296

37 Crosslea Avenue, Tunstall, Sunderland, SR3 1LT

- 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 Malcombe Foster against the decision of Sunderland City Council.
 - The application Ref 13/00495/FUL, dated 27 February 2013, was refused by notice dated 28 May 2013.
 - The development proposed is removal of boundary fence and dwarf wall and renew with brick wall with piers to front and side.
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Decision

1. I dismiss the appeal.

Procedural Matter

2. The appellant's name is spelt differently on the application form and on the appeal form. In the absence of information to show which is correct, I have used the former.

Main Issue

3. The main issue is the effect of the appeal proposal on the character and the appearance of the area.

Reasons

4. The surrounding residential area is characterised by predominantly low walls, fences and railings located at the back of the pavement on the front boundary of properties. There is a wide variety of design approaches, although there are many examples of the use of brick piers with either railings or timber fence panels in between. On the side boundaries, where properties are located close to junctions, there are often higher boundary treatments which follow broadly similar design principles. In addition, there are examples of full height timber fencing and high boundary hedges in the immediate area.
5. The proposed front boundary treatment, whilst slightly higher than the existing brick pillars and timber fence panels, would not be out of character within the area. The use of the timber panels atop the brick wall would help to provide visual interest and break up the dominant appearance of the brick. However, the proposed brick wall on the east boundary would not provide any such visual relief or interest. The brick wall would be over 2 metres in height and would extend from level with the front elevation of the dwelling to the detached garage to the rear. The incorporation of brick piers would provide little relief to

the significant expanse of wall proposed on the side of this prominent corner plot. Furthermore, the sole use of brick would as a consequence appear visually oppressive and incongruous as a boundary treatment, which would not respect and enhance the best qualities of the area.

6. The appellant has set out increased concerns over crime and anti-social behaviour in the area as justification for the proposals. However, no specific supporting evidence has been placed before me to substantiate the concerns, or that the wall as proposed would be the only viable design solution which would effectively address the issues raised. Therefore, I have not given this matter more than limited weight and it does not outweigh the harm that I have found in respect of the impact on the character and appearance of the area.
7. The appellant has also submitted examples of other boundary treatments within the local area from which to draw comparison with the appeal proposals. I noted these at the time of the site visit and whilst there are some similarities to the proposed brick wall appeal, in the context of the prevailing character of the area these do not set any particular precedent, for the reasons set out above. In any event, I have not been provided with details of the decision-making context for the other examples, and I have therefore focussed on the merits of the appeal proposals alone.
8. I conclude that the proposed brick wall would by virtue of its position, height, length, and use of materials have an adverse impact on the character and appearance of the local area. There would be conflict with Policy B2 of the City of Sunderland Unitary Development Plan (1998), and the Supplementary Planning Document: Household Alterations and Extensions (2010), which seek to promote high quality design and respect and enhance the best qualities of the area. Furthermore, the proposed development would conflict with the objectives of the National Planning Policy Framework, which seek to secure high quality design.

Other matters

9. I have noted that no objections have been received from neighbouring occupiers or from the Highway Authority. However, this does not outweigh my concerns regarding the main issue.

Conclusion

10. For the reasons given above, I conclude that the appeal should be dismissed.

M Seaton

INSPECTOR