

## **DEVELOPMENT PLAN**

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

### **Unitary Development Plan - current status**

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

## **STANDARD CONDITIONS**

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

## **SITE PLANS**

The site plans included in each report are illustrative only.

## **PUBLICITY/CONSULTATIONS**

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

## **LOCAL GOVERNMENT ACT 1972 – ACCESS TO INFORMATION**

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

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

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

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

Philip J. Barrett

Director of Development and Regeneration Services.

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Reference No.: 09/02543/FUL Full Application

**Proposal:** Erection of a two storey veterinary surgery with ancillary accommodation, car parking, landscaping and boundary treatments.

**Location:** Former Federal Mogul Car Park North Hylton Road Southwick Sunderland

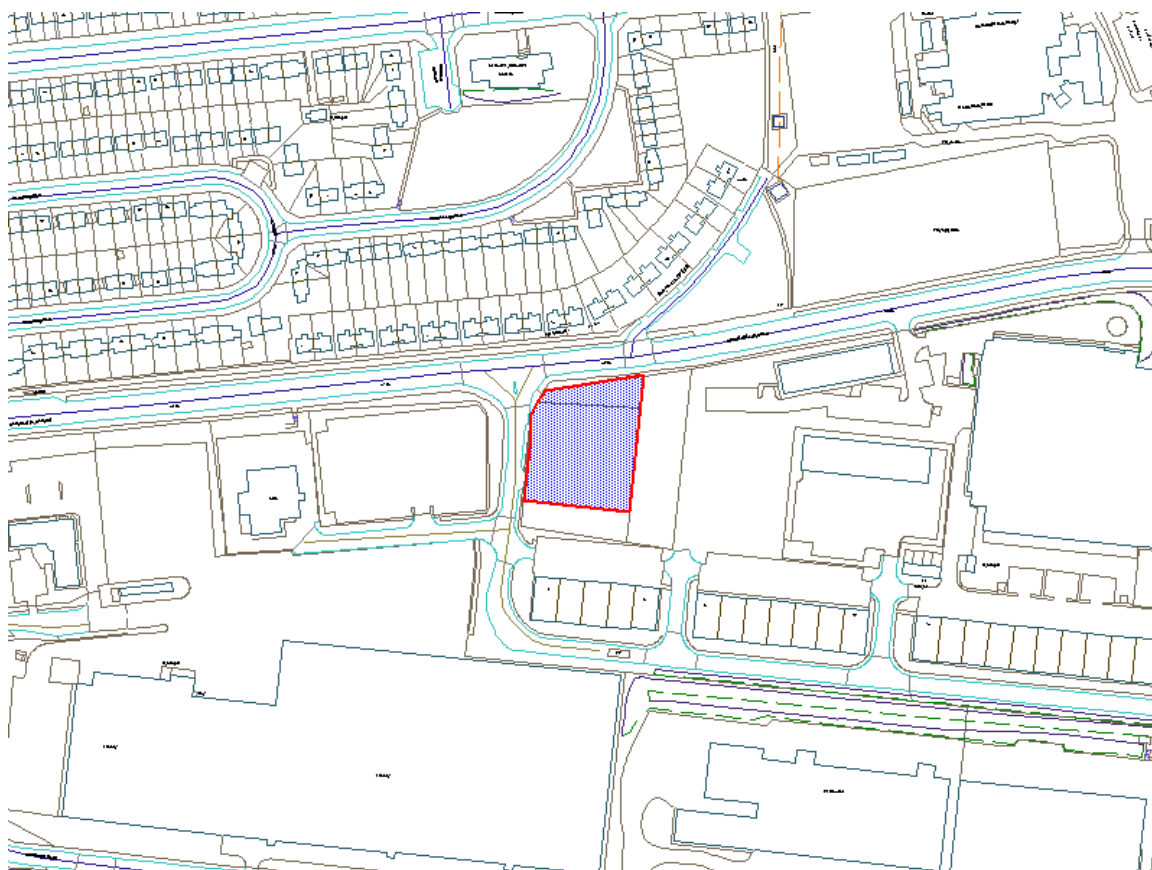
**Ward:** Southwick

**Applicant:** P.D.S.A.

**Date Valid:** 14 July 2009

**Target Date:** 8 September 2009

### Location Plan



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### PROPOSAL:

The proposal relates to the erection of a two storey building to provide a veterinary surgery with associated car parking, landscaping and boundary enclosures. The site is the car park of the former Federal Mogul automotive parts production facility and is currently vacant.

Members may recall that an outline application for a similar single storey development was approved in 2003 with the reserved matters being approved in 2006.

The current application is for a cross shaped building orientated with the entrance facing north west towards the corner of North Hylton Road and the unnamed access road to the industrial estate. Access to the site is proposed from the existing access from the unnamed road with car parking to the west of the site.

**TYPE OF PUBLICITY:**

Press Notice Advertised  
Site Notice Posted  
Neighbour Notifications

**CONSULTEES:**

Director Of Community And Cultural Services  
Northumbrian Water  
Business Investment

**Final Date for Receipt of Representations: 12.08.2009**

**REPRESENTATIONS:**

**Neighbours**

No objections have been received.

**Consultees**

Northumbria Water

No comments were received from Northumbria Water before the expiry of the consultation period.

Director of Community and Cultural Services

The Director of Community and Cultural Services has commented that the combined Desk Study and Ground Investigation for the site does not meet current standards for geo-environmental Phase I and Phase II reports. Whilst they would expect that the site could be developed satisfactorily, insufficient evidence has been presented to make this determination. This matter is discussed later in the report.

Head of Business Investment

No comments were received before the expiry of the consultation period.

## **POLICIES:**

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

EN\_14\_Development on unstable or contaminated land or land at risk from landfill/mine gas

CN\_17\_Tree Preservation Orders and replacement of trees

CN\_14\_Landscaping schemes and developments prominent from main transport routes

NA\_1\_Retention and improvement of existing industrial area

EC\_4\_Retention and improvement of existing business and industrial land

T\_14\_Accessibility of new developments, need to avoid congestion and safety problems arising

B\_2\_Scale, massing layout and setting of new developments

## **COMMENTS:**

The main issues to consider in determining this application are:-

- The principle of the use on the site.
- The appearance and layout of the development.
- The impact upon neighbouring properties.
- Highway safety, parking and access issues.
- Environmental issues.
- Landscaping and tree issues.

### **Principle of the Use**

The relevant policies within the adopted UDP are NA1 and EC4, which relate to the retention of industrial land. However, this is a site that has been vacant for some time. Whilst the proposed use does appear to conflict with this allocation, policy NA1 allows for uses not listed within the specific exclusions within policy EC4 to be determined on their own merits. The proposed use is a sui generis use and therefore must be determined on its own merits. It is considered that a vets surgery of such a scale would be appropriately sited on the edge of an industrial site, such as this, adjacent to the residential area that it is likely to serve. Planning permission has previously been granted for a similar scheme and the principle of the development has therefore been established.

### **Appearance and Layout.**

UDP Policy B2 states that the scale, massing, layout and setting of new developments should respect and enhance the best qualities of nearby properties and the locality; and large scale schemes should relate harmoniously to adjoining areas.

The proposal envisages breaking the site into three sections; a visitor car park in the north west of the site fronting on to North Hylton Road and the adjacent service road, the proposed veterinary building in the centre of the site, and a staff car park and loading bay to the south east of the site. This layout is ideally suited

for this site as it clearly defines entrance points towards the front of the site off North Hylton Road, but also allows staff car parking and service areas to be shielded from view by the proposed building. The remaining portion of the site is to be landscaped.

The buildings immediately adjacent to the application site consist of single storey bungalows to the north (on the opposite side of North Hylton Road), open air car park to the west, and a mix of industrial/commercial buildings to the south and east varying in height between 1 and 2 storeys. The previously approved scheme was for a single storey structure, whereas the proposed scheme consists of a two storey building, although the top floor is accommodated within the roof of the building which lessens the impact of the upper floor. This approach is welcomed and helps to better relate the scale of the proposed building with its adjacent context.

The main ridge of the building will run northwest/southeast with two subordinate gables running at right angles to the main ridge. The proposed facade treatments for the proposed building are seen to be appropriate and acceptable for such a use in this location. Attention with regard to the facades has rightfully been focused towards the north west elevation of the proposed building which fronts onto North Hylton Road. Here a full height glazed building gable fronts onto the public entrance and car park clearly identifying the main public entrance. The other elevations are more understated, but are not as prominent from the public viewpoint.

Whilst the existing palisade fences are to be retained to the south and east of the site, a more appropriate simple design of 2.1m high black powder coated railings and gates will be used to the more public north and west boundaries. Within the site, 2.1m black railings and gates will be used at the entrance to the staff car park, 2.1m black palisade fencing is proposed to secure the rear of the building at the northern end of the site and 0.9m black hoop railings are proposed around the planted areas around the car park and the building. It is considered that this will achieve a balance between security and design in the more public areas.

The scheme represents the welcomed re-use of a redundant car park and will introduce an acceptable feature into the street scene to the benefit of the visual and residential amenities of North Hylton Road. Therefore, from a design perspective the proposed scheme is acceptable given its location and use being in accordance with Policy B2 of the UDP

#### Highway Safety.

UDP Policy T14 aims to ensure that new developments are easily accessible to both vehicles and pedestrians, should not cause traffic problems, should make appropriate provision for safe access by vehicles and pedestrians and indicate how parking requirements will be met. In addition, policy T22 seeks to ensure that the necessary levels of car parking provision will be provided.

Pedestrian access to the site is taken directly off North Hylton Road to the north of the site, whilst vehicular access to both public and staff car parks are taken off the unnamed service road running down the west of the application site. Both approaches appear to be the most ideal solution for the site as they offer the most direct route from North Hylton Road to the main public entrance of the

building. The proposed access and parking arrangements are considered to be acceptable in terms of highway safety. However, the applicant will be required to provide a footpath link across the grass verge from the pedestrian entrance to the existing footway on North Hylton Road by agreement with the Council as Highways Authority.

As such, the proposal is considered to accord with UDP policies T14 and T22.

### Environmental Issues

Policy EN14 of the UDP requires the developer to investigate potential hazards with regard to unstable or contaminated land or land at risk from landfill/mine gas and mitigate accordingly where necessary.

The agent has submitted a site investigation report which concludes that there is no contamination on the site that requires remediation works prior to the development of the site. However, the Council's Community and Cultural Services Department advises that, although it is likely that the conclusions are correct and that the site could be developed satisfactorily, the desk study and ground investigation for the site does not meet current standards. Further evidence should be submitted to bring the study up to date and support the conclusion. This could be dealt with by the use of appropriate conditions precedent.

On satisfactory completion of these measures the proposal will accord with policy EN14 of the UDP.

### Landscaping

Policy CN14 of the UDP recognises the importance of achieving quality landscaping schemes prominent from main transport routes to enhance the image of the city. Policy CN17 seeks the retention of trees which make a valuable contribution to the character of an area.

The previous approval was subject to a condition requiring the implementation of a landscaping scheme which must first be submitted to and agreed with the LPA. The current proposal includes details of a scheme that involves the removal of the bulk of the trees and shrubbery that provides a screening function to the boundary with North Hylton Road and a positive contribution to the street scene in this area. Some of the trees were planted by Sunderland City Council during the early 90s with the agreement of the owners at the time. The benefits of trees are increasingly recognised. These are on a main route into the City Centre and help with absorption of CO<sub>2</sub> and pollutants on this busy road.

It is considered that it would be possible to carry out some thinning but retain more than the two trees indicated in the north-west corner and still allow views through to the development. It is considered that this could be dealt with by the use of appropriate conditions precedent.

The route of the footpath is also of concern as it is very close to the trunk of one of the retained trees. It is considered appropriate to reconsider the positioning of

the path to the west and enter the site on a less direct or curved route, which again could be dealt with by condition.

Otherwise, the proposed tree and shrub planting elsewhere within the site is acceptable and, provided that a scheme can be agreed with regard to the retention of more of the existing trees, the proposal will accord with policies CN14 and CN17.

## Conclusion

The principle of the use of the site for a large veterinary practice has been found to be acceptable. Given that the site is on the edge of an industrial estate adjacent to a residential area, it is considered that the design approach taken is acceptable and it is not considered that the visual amenities of the area or the residential amenities of nearby properties will be compromised. The proposal otherwise complies with the policies within the UDP and it is recommended that the application be approved subject to the following conditions.

## **RECOMMENDATION: Approve subject to the following conditions**

### **Conditions:**

- 1 The development to which this permission relates must be begun not later than three years beginning with the date on which permission is granted, as required by section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 to ensure that the development is carried out within a reasonable period of time
- 2 Notwithstanding any indication of materials which may have been given in the application, no development shall take place until a schedule and/or samples of the materials and finishes to be used for the external surfaces, including walls, roofs, doors and windows has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details; in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.
- 3 No development shall be commenced until the application site has been subjected to a detailed desk study and site investigation and remediation objectives have been determined through risk assessment, and approved in writing by the local planning authority and detailed proposals for the removal, containment or otherwise rendering harmless any contamination (the "Remediation Statement") have been submitted to and approved in writing by the local planning authority, in the interests of residential amenity and to comply with policy EN14 of the UDP.
- 4 No development approved by this permission shall be commenced until the works specified in the Remediation Statement have been completed in accordance with the approved scheme and a report validating the remediated site has been approved in writing by the local planning

authority, in the interests of residential amenity and to comply with policy EN14 of the UDP.

- 5 Should any contamination not previously considered be identified during construction works an additional method statement regarding this material shall be submitted to the local planning authority for approval, in the interests of residential amenity and to comply with policy EN14 of the UDP.
- 6 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 CN14 of the UDP.
- 7 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 CN14 of the UDP.
- 8 No tree shown to be retained on the approved plans shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 "Tree Work", in the interests of visual amenity and to comply with policy CN17 of the UDP.
- 9 If any retained tree is removed, uprooted, destroyed or dies, another tree shall be planted at the same place and that tree shall be of such a size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority, in the interests of visual amenity and to comply with policy CN17 of the UDP.
- 10 If within a period of two years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted, destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation, in the interests of visual amenity and to comply with policy CN17 of the UDP.
- 11 The erection of fencing for the protection of any retained trees shall be undertaken in accordance with the plans and particulars to be submitted to and approved by the Local Planning Authority, 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.

- 12 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
- 13 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.
- 14 Notwithstanding the submitted details, the exact positioning of the footpath from North Hylton Road shall be agreed in writing with the LPA and implemented in accordance with the agreed details, in order to achieve a satisfactory form of development and to comply with policies CN17 and B2 of the UDP.